

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 5th day of April, 2011 at 1:00 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 opened with prayer and led in the pledge of allegiance.

IN RE: APPROVAL OF AGENDA

Mr. Curd moved approval of the agenda with amendments of: Resolution for Child Abuse Prevention under consent agenda and also the County Attorney has a number of amendments.

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

NAY: None

ABSENT: None

IN RE: FINANCIAL INFORMATION

Roland Kooch, Davenport and Co. financial consultant and Dan Siegal, Bond Attorney, met with the Board and provided the attached information with regard to bond refinancing. There was a board consensus to place this matter on the next regular Board of Supervisors agenda for further consideration.
(ATTACHMENT A)

IN RE: CHAMBER OF COMMERCE – STEVE BAILEY

Steve Bailey of the Chamber of Commerce met with the Board and provided the following resolution for their consideration.

**RESOLUTION ASKING FOR THE COOPERATION OF THE BOARD OF SUPERVISORS
CONCERNING ISSUES RELATING TO THE BUSINESS COMMUNITY**

WHEREAS, the Amherst County Board of Supervisors (the “Board of Supervisors”) supports open communication with the Amherst County Chamber of Commerce related to how the Board of Supervisors actions may have an impact on the business community.

WHEREAS, the Amherst County Chamber of Commerce will communicate to the Board of Supervisors their recommendations on how Amherst County should support the business community.

WHEREAS, both parties will therefore benefit from this open exchange of ideas, suggestions, and actions taken in support of the business community.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, that the Amherst County Chamber of Commerce and the Amherst County Board of Supervisors will work

together closely on matters related to the Amherst County business community and to have open communication between both parties in order to better advance the growth and development of the business community in Amherst County.

Adopted this of , 2011

Claudia Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

David Proffitt, Assistant County Administrator

Date: _____

There was a Board discussion and consensus to place this on the next regular Board agenda for further consideration.

IN RE: PRESENTATION OF JUNE 30 2010 AUDIT – ROBINSON, FARMER & COX – DAVID HUGHES

David Hughes, Auditor, met with the Board and reviewed the County's 2010 audit report. There was Board discussion with questions and the consensus of the Board to contact him for a return visit.

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

School superintendent Ratliff was not available.

IN RE: CARE EXPRESS TRANSPORTATION LLC

Care Express Transportation LLC, 715 North Main Street, Blackstone, VA 23824 has applied to DMV for authority to transport passengers as a Common Carrier over Irregular Routes. They were requesting that any person who wishes to support or oppose the application but does not wish to be a party to the matter must send a written statement to DMV. Any person who wishes to protest the application and be a party to the matter must contact DMV at 804 367-6504 to receive information on filing a protest. The deadline for filing letters of support, opposition or protest is April 12, 2011.

On motion of Ms. C. Tucker and with the following vote, the Board moved to support Care Express Transportation application.

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

NAY: None

ABSENT: None

IN RE: CHILD ABUSE PREVENTION MONTH

The child abuse prevention resolution was dropped until source of resolution is determined.

IN RE: MARCH BOARD OF SUPERVISORS MINUTES

The minutes for March 1st, 9th, 15th, and 17th, 22nd, 2011 were deferred until next meeting to allow time for County Attorney to consider corrections.

IN RE: DRAFT ORDINANCES

Jeremy Bryant, Planning Director met with the Board and presented copies and additional information regarding the following draft ordinances:

- a. Requirement regarding the surface treatment and paving of off-street areas.
- b. Addition of “non-motorized personal watercraft rentals” as a permitted use in the A-1 Agricultural Residential and B-2 General Commercial Districts
- c. Wireless communication facilities draft amendment version #1 revised.

There was a Board discussion and consensus to prioritize the proposed ordinances to be developed by the County Attorney.

Priority 1 – Non motorized personal watercraft rental

Priority 2 – Wireless communication facilities

Priority 3 – Requirement regarding the surface treatment and paving of off-street areas.

IN RE: CENTRAL ACCOUNTING – CREDIT CARD FOR COMMONWEALTH ATTORNEY’S OFFICE

Brenda Campbell, Central Accounting Director, met with the Board requesting a credit card for the Commonwealth Attorney’s Office.

Ms. Tucker moved approval of the credit card request for the Commonwealth Attorney’s Office with a limit of \$3,000.

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

NAY: None

ABSENT: None

IN RE: CDBG GRANT

Kelly Hitchcock of the Region 2000 Regional Commission met with the Board and provided a status report of the Old Madison Heights Community Development Block Grant.

Mr. Campbell moved to authorize the County Administrator to sign the Old Town Madison Heights CDBG project contract.

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

NAY: None

ABSENT: None

The County Attorney informed the Board that she has determined there is a question with the proposed CDBG contract and asked that the motion to authorize the County Administrator to sign this document be reconsidered.

Mr. Campbell moved to rescind his previous motion to have the County Administrator to sign the CDBG contract.

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

NAY: None

ABSENT: None

Mr. Campbell moved to have the County Administrator to sign the CDBG contract.

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

NAY: None

ABSENT: None

IN RE: REQUEST TO HAVE COUNTY ATTORNEY BOWYER TO BEGIN DRAFTING AN ORDINANCE FOR BRING FIRST TIME POSSESSION OF MARIJUANA UNDER COUNTY

Sheriff Ayers met with the Board with a request for the County Attorney to draft an ordinance for bringing first time possession of marijuana under County Ordinance.

Ms. Roberson moved to have fine revenue for 1st time possession of marijuana to be charged under County Code and revenue to come to the County rather than the state.

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

NAY: None

ABSENT: None

IN RE: REQUEST FOR PURCHASING TWO (2) DOGS

Sheriff Ayers presented a request for purchasing two (2) dogs and to appropriate \$7,950 from the fine revenue and \$4,950 from asset forfeiture to cover the cost.

On motion of Ms. Tucker and with the following vote, the Board approves the purchase of two (2) dogs, one for \$7,950 from fine revenue and one for \$4,950 from asset forfeiture.

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

NAY: None

ABSENT: None

IN RE: ACTIVITIES REPORT

The County Administrator presented an activities report for the Board's information and reviewed each project.

1. Amherst Depot Rehabilitation Project: Enclosed is the response from Sharon White, who now handles local assistance, on the letter regarding what our options are in addressing the Depot Report. It is not surprising but it gives us very few options.
2. Community Development Block Grant Old Madison Heights Community Improvement Project: Kelly Hitchcock will be at the Board meeting to discuss this project. She says there is no change in local match as it will be landfill fees and connections waivers. There is one change originally the housing rehabilitation portion was to have been paid for by low income loans. Now DHCD states that it should be grants to the individual homeowners.
3. Financial Assurance: On March 25, Financial Assurance forms and the audit were filed with the Department of Environmental Quality and they have acknowledged receipt of these documents. In talking with Teresa Nuckols, there is concern if we are late filing this coming year (deadline is December 31). There would be no warning letter and it would automatically go into enforcement.
4. Request for Agricultural Agent for Amherst County: A letter was sent requesting that one of the 25 new positions be given to Amherst County. Copies were sent to our Delegates and Senators. Senator Newman's office called and he will be sending a similar letter. Extension has acknowledged receipt of our request.
5. Zoning Ordinance: Agricultural/Cluster Ordinance: The Planning Department held three public meetings to explain the proposed A-1 Agricultural zoning modification to the public. They will discuss the comments at the next Planning Commission Meeting on April 7th. Once a revised

ordinance is considered and approved by the Commission it will go to the County Attorney for her review. Copies of comments are enclosed for your information.

6. Rental Ordinance: Enclosed is a list of houses inspected under the rental ordinance. Since this list was completed two more letters have been sent to property owners in Old Town.
7. Bond Money: Mr. Roland Kooch of Davenport will be at the Board meeting to advise the Board on use of the remaining bonds proceeds. One use that is crucial is the buy in for the Blue Ridge Regional Jail. Assessed values of other property have been sent to Dan Seigal to be analyzed for collateral for the bonds.

There was a specific discussion of the train depot project and consensus to visit officials in Richmond to obtain further answers to Board questions.

IN RE: INFORMATION TECHNOLOGY

The County Administrator and IT Director, Jackie Viar met with the Board and provided a comparison of Amherst County with other area locality IT operations. There was a consensus to defer this issue until a later time.

IN RE: CLOSED SESSION

Mr. F. Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to the personnel exemption at §2.2-3711 (A) (1) of the Code of Virginia to discuss the performance of the County Administrator.

This was seconded by Mr. D. Kidd and approved with the following vote:

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

NAY: None

ABSENT: None

Ms. Roberson moved to come out of closed session, seconded by Mr. Campbell and approved with the following vote:

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

NAY: None

ABSENT: None

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, Ms. C. Tucker moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

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.)

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|-----------------|-----|
| Ms. C. Tucker | AYE |
| Mr. F. Campbell | AYE |
| Mr. R. Curd | AYE |
| Mr. D. Kidd | AYE |
| Ms. J. Roberson | AYE |

IN RE: COUNTY ADMINISTRATOR RESIGNATION

Ms. Tucker moved to accept the County Administrator's resignation effective April 5, 2011.

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

NAY: None

ABSENT: None

Mr. Curd left meeting.

IN RE: COUNTY ADMINISTRATOR EMPLOYMENT EVALUATION LETTER

Ms. Roberson moved that the Amherst County Board of Supervisors authorize the Board Chair on the behalf of the Board to sign the April 5, 2011, letter to C. Lee Lintecum regarding his performance as County Administrator.

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

NAY: None

ABSENT: Mr. R. Curd

Ms. C. Tucker temporarily left meeting.

IN RE: LEAVE OF ABSENCE REQUEST

Ms. Roberson moved that the Board refer to the County Attorney for the question of whether the purpose of the leave of absence sought by the Sheriff's Office for Daniel L. Gowen is authorized under the Amherst County Personnel Plan, and instruct the County Attorney to report her findings and recommended action to the Board at its April 19, 2011 meeting.

AYE: Mr. F. Campbell, Mr. D. Kidd and Ms. J. Roberson

NAY: None

ABSENT: Mr. R. Curd and Ms. C. Tucker

Ms. C. Tucker returned to meeting.

IN RE: ORDINANCE AMENDMENTS

Amendments 1st readings

| | |
|-------------|--|
| Sec. 12-26. | Prohibited uses of parks |
| | Exemptions for Elderly and Handicapped. |
| Sec. 14-36. | Definitions |
| Sec. 14-38. | Purpose |
| Sec. 14-39. | Exemption of taxation on certain real estate |
| Sec. 14-40. | Granting of exemption. |

IN RE: REDISTRICTING

The County Attorney provided a status report of re-districting activities.

IN RE: COUNTY FUNDING TO FIRE & EMS ORGANIZATIONS

The County Attorney provided a proposed resolution establishing a process for distribution of funds to county Fire & EMS organizations. There was a general board discussion.

Directions were given to the County Attorney to revise a draft resolution and letter.

Mr. Kidd moved to authorize Mr. Curd to sign a letter to Emergency Service Council, to be drafted by County Attorney, communicating Board's intention for the budget process of Fire and EMS funds.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: PROCEDURE RELATIVE TO APPROPRIATIONS FROM FINE REVENUES GENERATED BY TRAFFIC ENFORCEMENT THAT ARE DEPOSITED IN THE COUNTY GENERAL FUND

The County Attorney presented a proposed resolution for allocation of fine revenue funds. Ms. Tucker moved adoption of the following Sheriff fine revenue resolution.

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

NAY: None

ABSENT: Mr. R. Curd

For consideration on April 5, 2011

A RESOLUTION, NO. 2011-0012-R

Modifying the Board's procedures relative to appropriations from fine revenues generated by traffic enforcement that are deposited into the County General Fund.

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 ("Board") wishes to modify its procedures relative to allocation of funding from fine revenues generated by traffic enforcement by the Amherst County Sheriff's Office ("Sheriff's Office"), which funds are deposited into the County General Fund, as follows:

WHEREAS, the Board is cognizant of persistent pressures on fine revenues from the Commonwealth and wishes to ensure that any loss of those revenues does not create a funding crisis; and

WHEREAS, the Board has a strong interest in greater budget transparency and wishes to ensure that the revenue and expenditures associated with traffic enforcement fines are accurately depicted in the County budget.

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

1. At least 20 percent of all fine revenues shall be allocated for uses identified by the County Board of Supervisors. The balance shall be allocated for uses proposed by the Amherst County Sheriff's Office.
2. The County budget shall identify fine revenue using a specific code or other identifying number to distinguish it from other monies in the County general fund.
3. The County budget shall identify expenditures from fine revenue through pre-defined object codes.
4. Fine revenues shall be used for discrete and limited expenditures only, and shall not be used to support expenses that are expected to reoccur annually.
5. Fine revenues may be used to pay for salaries, wages, and fringe benefits; however, such expenditures shall be related only to existing staff. Any loss in fine revenue associated with such expenditures shall not be supplemented with general fund monies.
6. Funds requested as an appropriation from fine revenue shall not be expended prior to receiving the Board's approval of such appropriation.
7. The Board shall adhere to this approach for FY2012, but shall reexamine the question of allocation of fine revenue monies in development of the County's FY2013 budget.

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

Adopted this day of April, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

C. Lee Lintecum, Clerk
Amherst County Board of Supervisors

IN RE: PANTHER MOUNTAIN EASEMENT ISSUE

Ms. Roberson moved that the Amherst County Board of Supervisors approved payment of the invoice dated April 1, 2011, from Acres of Virginia, Inc., for preparation of a plat detailing the access road and tower site on Panther Mountain, in the amount of \$650.00, and instruct that payment be made immediately from line 011010-3013, Professional Services, in the budget for the Amherst County Board of Supervisors.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: COUNTY ADMINISTRATOR CREDIT CARD, CELL PHONE AND 2 KEYS

Ms. Tucker moved to direct Deputy County Administrator to dispose of County Administrator credit card, cell phone & 2 keys which she is currently handing over to him from her possession.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: APPROPRIATIONS/TRANSFERS

Ms. Tucker moved not to approve Sheriff Dept. appropriation requests.

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

NAY: None

ABSENT: Mr. R. Curd

Ms. Tucker moved approval of J & D Court and Community appropriations and all transfer requests.

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

NAY: None

ABSENT: Mr. R. Curd

IN RE: SCHEDULING OF BUDGET WORKSHOP MEETING

The Board established a budget meeting for 9:00 a.m., April 15, 2011 in the County Administration Building, Board of Supervisors meeting room.

IN RE: ADJOURNMENT

Ms. Tucker moved to adjourn to Friday, April 15, 2011 at 9:00 a.m., seconded by Mr. Kidd and approved with the following vote:

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

NAY: None

ABSENT: Mr. R. Curd

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

David Proffitt, Acting County Administrator