

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 19th day of April, 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 the invocation and pledge of allegiance.

IN RE: CITIZEN COMMENTS

Michael DeMarco and son Cameron De March – 1264 Roses Mill Road – swimming at Mill Creek
Would not only provide recreation but also jobs.

Elizabeth Briggs - 233 Rocky Hill Road, Madison Heights, Va 24572 – Frank Campbell

Janice Camden – 419 Main Street – Madison Heights – complaining about Frank Campbell and the BZA meeting.

(ATTACHMENT A)

Frank Campbell – he had written the letter for his parents and the backup information was not presented.

John A. Marks, Jr. – 225 Clark Street – Two subjects – Treasurer's Office and Mill Creek Reservoir

(ATTACHMENT B)

Eldon Cox – yielded

IN RE: APPROVAL OF AGENDA

On motion of F. Campbell and with the following vote, the Board agenda was approved with changes:

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

NAY: None

ABSENT: None

AGENDA

**TUESDAY, APRIL 19, 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 – April 15, 2011

V. Zoning Public Hearings

- a. 2011-02 Request by Gregory C. Thomas for a special exception request in the V-1 Village Center District. The purpose of the special exception is to allow a dual use structure limited to a single-family dwelling use and a business use. Mr. Thomas would like to open a general car care and hand wash business. The parcel is located at 2436 Elon Road and is further identified as tax map number 121-A064.
- b. 2011-03 Request by Anthony Stephen White for a special exception request in the Flood-Fringe and approximate Flood Plan District. The purpose of the special exception is to allow the placement of a manufactured home in the Flood Hazard Overlay District. The property is zoned A-1 Agricultural Residential District and is located at 503 Woodson Road and is further identified as tax map number 29-A-5F

VI. Public Hearings on Proposed Ordinances

- a. Ordinance No. 2011-0002 – Modifying the prohibition relative to wake-enhancing devices to clarify that persons are prohibited from bringing into a County park or launching from park property a boat equipped with wake-enhancing devices and from employing in such boat any tactics intended to manipulate bow heights, and further modifying the format and wording of the Code section to make technical corrections to the language.
- b. Ordinance No. 2011-0003 – Establishing, in compliance with amendments to the Virginia Constitution and Virginia Code, provisions authorizing the exemption from taxation that real property, including real property jointly owned by husband and wife, of any veteran who has been rated by the U.S. Department of Veteran Affairs to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence, and making other technical corrections and additions to related provisions of law.

VII. Special Appearance and Presentations

- ~~a. Performance Contracting – Dan Aker~~ **Charlie Barksdale Public Hearings on Proposed (ATTACHMENT “C”)**
- b. Consent Agenda**
 - a. Board of Supervisors March 2011 minutes (March 1st, 9th, 15th, 17th 22nd and 31st)
 - b. Summer Cooler – American Cancer Society (Add)**
 - ~~c. Community Services Board appointment (Delete)~~
- c. Correspondence**
 - a. Building Safety & Inspections Monthly Report – March 2011
 - b. Department of Planning & Zoning Report
 - c. Department of Environmental Quality Financial Assurance
 - d. Department of Transportation – Bridge Replacement Project over the Buffalo River
 - e. Office of the Governor – Commonwealth’s Statewide Transportation Plan

- f. Virginia's Region 2000 Partnership – 2011 Community Economic Development Award
- g. VDOT Traffic Alert – April 4-8, 11-15, AND 18-22, 2011

d. Department Reports

SHERIFF'S DEPARTMENT

- a. DCJS local law enforcement block grant in the amount of \$2,123 – Request for approval of grant. Cash match from professional services.
- b. Resubmitted Request of March 14, 2011 for appropriation from fine revenue money
- c. Request of April 8, 2011 for appropriation from fine revenue money
- d. Request of April 8, 2011 for appropriation – Pass through revenue deposited with Treasurer

CENTRAL ACCOUNTING

- a. Monthly Financial Report

e. Resolutions

- a. Chamber of Commerce Resolution
- b. April as Child Abuse Prevention Month (Add)**

f. County Administrator's Reports

- a. Review Advertisement for Interim County Administrator (Add)**

g. County Attorney's Reports

- a. Report on request of leave of absence for Sheriff's Office employee
- b. Report on Landscape Ordinance
- c. Report on Transfer to EDA of Amelon Commerce Park

h. Appropriation/Transfers/Disbursements

i. Citizen Comments

j. Matters from Members of the Board of Supervisors

k. Closed Session (§2.2.3711.A.7 Code of Virginia, as amended) – Legal

l. ADJOURNMENT

IN RE: ZONING PUBLIC HEARING – CASE # 2011-02 – GREGORY C. THOMAS

2011-02 Request by Gregory C. Thomas for a special exception request in the V-1 Village Center District. The purpose of the special exception is to allow a dual use structure limited to a single-family dwelling use and a business use. Mr. Thomas would like to open a general car care and hand wash business. The parcel is located at 2436 Elon Road and is further identified as tax map number 121-A064.

Mr. Jeremy Bryant was available to highlight the request for a special exception in the V-1 Village Center District. There were questions from the Board.

Ms. Tucker opened the public hearing. There were no proponents or opponents.

The public hearing was closed.

On motion of Mr. R. Curd and with the following vote, the Board approved the request for a special exception in the V-1 Village Center District to allow a dual use structure limited to a single-family dwelling use and a business use.

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

NAY: None

ABSENT: None

IN RE: ZONING PUBLIC HEARING - CASE # 2011-03 – ANTHONY STEPHEN WHITE

- a. 2011-03 Request by Anthony Stephen White for a special exception request in the Flood-Fringe and approximate Flood Plan District. The purpose of the special exception is to allow the placement of a manufactured home in the Flood Hazard Overlay District. The property is zoned A-1 Agricultural Residential District and is located at 503 Woodson Road and is further identified as tax map number 29-A-5F.

Jeremy Bryant presented the case to the Board.

Proponents: None

Opponents: None

Public Hearing closed.

After discussion on motion of Ms. Tucker and with the following vote, the Board of Supervisors tabled the request for a special exception in the Flood-Fringe District.

The Board directed the County Attorney to check on liability if this would be approved.

IN RE: PUBLIC HEARING ON PROPOSED ORDINANCE

Ordinance No. 2011-0002 – Modifying the prohibition relative to wake-enhancing devices to clarify that persons are prohibited from bringing into a County park or launching from park property a boat equipped with wake-enhancing devices and from employing in such boat any tactics intended to manipulate bow heights, and further modifying the format and wording of the Code Section to make technical corrections to the language.

Ms. Bowyer presented the following proposed ordinance to the Board.

For consideration on April 19, 2011

AN ORDINANCE, NO. 2011-0002

Modifying the prohibition relative to wake-enhancing devices on a boat to clarify that persons are prohibited from bringing into a County park or launching from park property a boat equipped with wake-enhancing devices and from employing in such boat any tactics intended to manipulate bow height, and modifying the format and wording of the Code section.

Approved as to form and legality by the County Attorney

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sec. 12-26 of the Code of the County of Amherst be and hereby is amended, as follows:

Sec. 12-26. Prohibited uses of parks.

~~No person in a park shall:~~ A. General Prohibitions.

~~Persons entering and occupying County parks shall not:~~

~~(1) Distribution or display. Post, paint, affix, distribute, handout, deliver, place, cast or leave about any bill, billboard, placard, ticket, handbill, circular, or advertisement; display any flag, banner, transparency, target, sign, placard, or any other matter for advertising or promotional purposes;—, nor, except where authorized in writing by the director, shall any person~~

~~_operate any musical instrument for advertising or promotional purposes or for the purpose of attracting attention to any exhibit, show, performance, or other display, unless expressly authorized through permit by the director.~~

~~(2) Contributions. Solicit contributions for any purpose.~~

~~(3) Bathing and swimming.—~~

~~a. Swim, bathe, or wade in any waters or waterways in or adjacent to any park.~~

~~b. Bath houses. (4) Dress or undress in any vehicle, toilet, or other place, except in such bathing houses or structures as may be provided for that purpose.~~

~~(4) Boating.—~~

~~a. Designated areas. (5) Operate or occupy any boat, raft, or other watercraft, whether motor powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations adopted by the department.~~

~~b. Operation of boats. (6) Navigate, operate, direct, or handle any boat, raft, or other watercraft, whether motor powered or not in violation of applicable federal, state, or local laws or regulations pertaining to the operation of boats.~~

~~c. Prohibition of wake-enhancing devices. No person shall use (7) Bring into the park or launch from park property any boat equipped with wake-enhancing devices, including ballast tanks, wedges, hydrofoils, or other mechanical devices, or uneven loading of persons or gear, nor shall any person employ in boats launched from park property tactics intended to artificially operate/manipulate manipulate bow height, including distributing persons or gear in an uneven manner within the boat.~~

~~d. Prohibition during closing hours. (8) Launch, dock, operate, or remain on or in any boat of any kind on any waters during the closed hours, or except during such hours as shall be designated by the director for such purpose after the park has closed.~~

~~e. Boating restrictions. (9) Moor, tie, beach, or otherwise secure a boat to any structure, dock, beach, tower, dam, or bank except those areas or structures allowed for this purpose by the director not designated by the director for that purpose.~~

~~f. Aquatic safety. (10) Use or operate any boat in violation of any State boating laws or regulations contained in the Virginia State Code; or, operate any boat in a reckless or unsafe manner.~~

~~(11) Set up tents, shacks, or any other temporary shelter for the purpose of camping, nor shall any person leave any equipment, structure or vehicle that could be used for camping in the park after closing.~~

~~(12) Take part in or organize any recreational activity or game, including but not limited to golf, except in areas designated for such recreational activity or game.~~

~~(13) Ride, drive, or lead a horse except on park drives or trails designated by the director, or allow a horse to graze or go unattended, or hitch a horse to any rock, tree, or shrub.~~

~~(14) Carry, shoot, fire, explode, discharge, or throw any fireworks, firecrackers, rockets, torpedoes, explosives, or missiles without prior written authorization from the director.~~

~~(15) Make still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models, without prior written authorization from the director.~~

~~(16) Operate a remote-control plane, glider, or motor-propelled aircraft in any park without prior written authorization from the director.~~

~~g. Enforcement by the Virginia Department of Game and Inland Fisheries. Virginia Department of Game and Inland Fisheries' officers, and their agents or designees, shall be empowered and expressly~~

~~permitted by the county to enforce any and all regulations, rules, and ordinances in this section, including but not limited to, boating.~~

B. Fishing and Hunting.

~~(5) Fishing.~~

~~a. Commercial fishing. Commercial fishing, buying, or selling (1) The purchase or sale of fish caught in any park waters is forbidden.~~

~~b. Designated areas. Fish in any park waters, whether by the use of hook and line, net trap, spear, gig, or other device, except in such waters thereof as have been designated by the director for that use and under such regulations and restrictions as have been prescribed by said director.~~

~~c. Fishing permits. It shall be unlawful for any person to fish in or on the lands or inland water of any park without first obtaining a state license or permit. (2) Park visitors may fish in waters designated by the director if they hold a valid state fishing license. Any person issued a license or permit to fish within the park shall conform any fishing to the rules and regulations published by the Virginia Department of Game and Inland Fisheries and the posted rules and regulations of the park. Fishing within the park shall be confined only to those areas designated by the director. Every person of whom a license is required must carry such license and shall show the same immediately upon demand of any law enforcement officer whose duty it is to enforce the game and inland fish laws. Failure to exhibit such license upon demand of any conservation police officer or other law enforcement officer shall be prima facie evidence that such person is fishing without a license. It shall be unlawful for any person to make a false statement in order to secure a license, or to alter, change, or lend a license.~~

~~(6) Hunting. Hunt. (3) Park visitors shall not hunt, trap, or pursue wildlife at any time while within the park. Hunting and trapping may be authorized, by permit, when it is deemed by the director that said activity is The director may authorize hunting and trapping of wildlife in writing prior to the hunting or trapping if she determines that to be in the best interest of public health, safety and/or or welfare.~~

C. Weapons.

~~(7) Firearms, knives, and weapons.~~

~~a. (1) It shall be unlawful for any person, except a law enforcement officer while engaged in his professional duties, to discharge in any park any pistol, revolver, shotgun, BB gun, air gun, slingshot, bow and arrow, dart device, or other weapon in which the propelling force is gunpowder, a spring, or air, except as may be carried by a duly authorized law enforcement officer.~~

~~b. (2) It shall be unlawful for any person while in a County park, to use, carry or have in his possession any knife with a blade of more than three (3) inches except where such knife is necessary for preparation of food within any the park.~~

~~c. (3) Any person who has a permit to carry a concealed handgun which is valid in the Commonwealth, and who has on his person that valid permit, may possess carry a concealed handgun in a park.~~

~~d. (4) Shooting into park areas from beyond park property boundaries is forbidden.~~

~~e. (5) The director may permit authorization for authorize in writing the use of a firearm or other potentially dangerous instrument, to be used in a park for a special event or county-managed activity within a County park.~~

~~(8) Picnic areas and use.~~

D. Picnic Areas and Athletic Fields

~~a. Regulated. Picnic in a place other than those (1) Park visitors may picnic in areas designated for that purpose. Park attendants shall have the authority to regulate picnic activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. No visitor shall fail to comply with any directions given by park attendants to achieve this end.~~

~~b. Availability. Fail to observe the policy that use of the individual fireplaces, as well as tables and benches, shall follow the rule of "first come, first served." (2) Fireplaces, tables, and benches cannot be reserved and are available to the park visitors who first secure them. Visitors shall not make unreasonable use of such facilities, or of any park area or structure, when others are awaiting their turn.~~

~~c. Duty of picnicker. Leave (3) Park visitors shall not leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, all refuse and trash shall be carried away removed from the park area by the picnicker to be properly disposed of elsewhere.~~

~~d. Nonexclusive. Use any portion of the park areas or of any of the buildings or structures therein without a permit issued by the director, for the purpose of holding activities to the exclusion of other~~

~~persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.~~

~~e. *Reservations.* At the discretion of the parks, recreation, and cultural development board, or the director, reservations for shelters may be obtained by paying a fee, as determined by the department of parks, recreation, and cultural development for exclusive use during said time period. Permits will (4) Park visitors shall not make exclusive use of a park area or structure except under written authorization issued by the director. Such written authorization may be issued upon payment of a fee and must be in the possession of users to be valid. Reservations for shelters shall be made and held on a "first come, first served basis." No Any person or group occupying a shelter shall fail to relinquish the shelter to a party or group holding a written reservation from the department of parks, recreation, and cultural development issued by the director. Pursuant to restrictions contained in Amherst County's lease with Appalachian Power Company for Monacan Park, no fee or license will be charged by Amherst County for use of by the public of any of the dedicated facilities in Monacan Park.~~

~~(9) *Athletic fields.* Use (5) Park visitors shall not use any county owned or maintained ball field until first securing a field rental contract for field use from the department. This requirement applies to all sanctioned or non-sanctioned teams or organized groups. Field rental contracts may cover league teams for a specific sport and may include multiple fields; however, copies of such contracts shall be in the possession of a responsible individual for each non-sanctioned team or organized group using any such ball field.~~

~~(10) *Camping.* Set up tents, shacks, or any other temporary shelter for the purpose of camping. During closed hours, no person shall leave any equipment, structure or vehicle to be used, or that could be used, for such purposes, such as a house trailer, camp trailer, camp wagon or the like. During closed hours, no person shall camp in any public park without the express written permission of the director.~~

~~(11) *Games.* Take part in or organize any inappropriate recreational activity or the playing of any inappropriate games, including but not limited to golf, except in areas set apart therefore.~~

~~(12) *Horseback riding.* Ride, drive, or lead a horse except on park drives or trails, as designated by the director. Where permitted, horses shall be thoroughly broken and properly restrained, ridden with due care, and shall not be allowed to graze or go unattended, nor be hitched to any rock, tree, and shrub. No hoofed animals will be allowed on turf areas.~~

~~(13) *Missiles, fireworks, and explosives.* Carry, shoot, fire, explode, discharge, or throw any fireworks, firecrackers, rockets, torpedoes, explosives, or missiles of any kind in any park without a permit from the director.~~

~~(14) *Photography.* Make still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of persons, either amateur or professional, or the posing of professional models without prior written authorization by the director; said written permission may be issued only when such activities will permit normal use of park facilities by other visitors. However, the provisions of this section do not in any way restrict the ordinary use of cameras by amateur photographers.~~

~~(15) *Remote control planes.* Operate a remote control plane, glider, or motor propelled aircraft in any park without a permit from the director.~~

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

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors moved to postpone this request for a month.

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

NAY: None

ABSENT: None

IN RE: PUBLIC HEARING ON PROPOSED ORDINANCE

- a. Ordinance No. 2011-0003 – Establishing, in compliance with amendments to the Virginia Constitution and Virginia Code, provisions authorizing the exemption from taxation that real property, including real property jointly owned by husband and wife, of any veteran who has been rated by the U.S. Department of Veteran Affairs to have a 100 percent service-

connected, permanent, and total disability, and who occupies the real property as his principal place of residence, and making other technical corrections and additions to related provisions of law.

Ms. E. Bowyer, County Attorney, presented Ordinance 2011-0003 with an amendment to correct a typographical error in Section 14-39(e).

Proponents: None

Opponents: None

On motion of Mr. Curd and with the following vote, the Board approved Ordinance No. 2011-003, establishing, in compliance with amendments to the Virginia Constitution and Virginia Code, provisions authorizing the exemption from taxation that real property, including real property jointly owned by husband and wife, of any veteran who has been rated by the U.S. Department of Veteran Affairs to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence, and making other technical corrections and additions to related provisions of law as follows:

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

NAY: None

ABSENT: None

AN ORDINANCE, NO. 2011-0003

Establishing, in compliance with amendments to the Virginia Constitution and Virginia Code, provisions authorizing the exemption from taxation that real property, including real property jointly owned by husband and wife, of any veteran who has been rated by the U.S. Department of Veteran Affairs to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence, and making other technical corrections and additions to related provisions of law.

Approved as to form and legality by the County Attorney

FIRST READING: Board of Supervisors April 5, 2011
PUBLIC HEARING: Board of Supervisors April 19, 2011

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 14-36, 14-38, 14-39, and 14-40 of the Code of the County of Amherst be and hereby are amended, as follows:

Sec. 14-36. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Affidavit* shall mean the real estate tax exemption affidavit whom the same is levied or from the person paying for such food and beverage at the time the charge for such food and beverage is made.~~

Application shall mean the real estate tax exemption application filed pursuant to § 14-39 of the Amherst County Code.

Commissioner of the ~~revenue~~ Revenue shall mean the Commissioner of the Revenue of Amherst County, Virginia, or any of ~~his~~ her duly authorized deputies or agents.

Dwelling shall mean the full-time residence of the person or persons claiming exemption.

Elderly shall mean ~~a person or persons not less than~~ being at least sixty-five (65) years of age as of December 31 of the year prior to the year exemption is requested.

Exemption shall mean exemption from the Amherst County Real Estate Tax according to the provisions of this article.

Fair market value when applied to real estate, shall mean the appraised value, as shown on the records of the ~~commissioner of the revenue~~ Commissioner of the Revenue; when applied to personal property, shall mean the actual value as ~~appraised~~ assessed by the ~~commissioner of the revenue~~ Commissioner of the Revenue.

Permanently and totally disabled shall mean a person ~~as described in Code of Virginia, § 58.1-3217~~ unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

Property shall mean any real property, which shall include manufactured homes.

Relative shall mean any relation by blood or marriage.

Taxable year shall mean the calendar year, from January 1 until December 31, for which exemption is claimed.

Sec. 14-38. –Purpose.

~~In accordance with Code of Virginia, § 58.1-3218, the board of supervisors hereby deems those elderly persons, or permanently and totally disabled persons, who fall within the provisions of this division to be bearing an extraordinary tax burden on the real estate in relation to their income and financial worth.~~

Pursuant to the authority granted to it under §§ 58.1-3210 and 58.1-3219.5 of the Code of Virginia (1950) as amended, the County provides exemptions from taxation on any real estate occupied as the sole or principal residence of (i) persons aged 65 years and older, (ii) permanently and totally disabled persons, and (iii) veterans who have been rated by the U.S. Department of Veterans Affairs to have a 100 percent service-connected, permanent and total disability. The exemptions shall be governed by the provisions of division 2 of article II of chapter 14 of the Amherst County Code.

Sec. 14-39. – Exemption of taxation on certain real estate.

~~(a) Taxation of the dwelling only, A. Any dwelling and the land, up to one acre, upon which such dwelling is situated (i) owned by, and occupied as the sole dwelling, of, any person or persons who are elderly or permanently and totally disabled, in accordance with the definitions cited in this division or a dwelling (ii) occupied as the sole dwelling jointly held by a husband and wife, if either spouse is sixty-five (65) or over elderly or is permanently and totally disabled, is hereby exempted from taxation subject to the following restrictions and conditions:~~

~~(4)1. Requirements of Applicants.~~

~~That the a.~~ The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling shall not exceed the greater of fifty thousand dollars (\$50,000.00), or the income limits based upon family size for the respective household for the respective metropolitan statistical area annually published by the Department of Housing and Urban Development for federal qualifying housing assistance pursuant to Section 235 of the National Housing Act (12 U.S.C. Section 47452-1715z) provided that the first six thousand five hundred dollars (\$6,500.00) of income of each relative, other than a spouse, of the owner, or owners, who are living in the dwelling shall not be included in such total.

b. Notwithstanding subdivision (1) (a) of this subsection, if an owner qualifies for an exemption under § 14-39(A), and if the owner can prove by clear and convincing evidence that his physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a person move in and provide care for the owner, and if a person does then move in for that purpose, then none of the income of the person or of the person's spouse shall be counted towards the income limit, provided the owner of the residence has not transferred assets in excess of \$10,000 without adequate consideration within a three-year period prior to or after the person moves into such residence.

~~(2) That the c.~~ The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owners, and of the spouse of any owner shall not exceed one hundred fifty thousand dollars (\$150,000.00). The fair market value of the dwelling and the land not exceeding one acre upon which the dwelling is situated shall be excluded from the calculations used to determine combined financial worth.

~~(3) The fair market value of the dwelling and the land not exceeding one (1) acre upon which the dwelling is situated is excluded from the combined financial worth determined in subsection (a)(1) above.~~

~~(b) That the d.~~ The person or persons claiming such exemption shall file annually with the commissioner of the revenue—Commissioner of the Revenue, on forms to be supplied by the commissioner of the revenue—Commissioner of the Revenue, an affidavit application setting forth the following: (i) the names of the related persons occupying such real estate; and (ii) a statement that the total combined net worth, including equitable interests and the combined income from all sources, of the person or person as specified in subsection (a)(1) (A) (1) (a) above does not exceed the limits prescribed in this division. Such affidavit shall be filed between January 15 to and March 31 of each taxable year for which the exemption is claimed. The commissioner of the revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefore as specified in this division. The commissioner of the revenue may in addition require the production of certified tax returns and any other records to establish the income or financial worth of any applicant for tax relief.

~~(c) If such person is under e.~~ If the person claiming such exemption is less than sixty-five (65) years of age such form shall have attached thereto, there shall be attached to such affidavit evidence that the person is permanently and totally disabled, as defined in § 58.1-3217 of the Code of Virginia. Such evidence may take the form of either (i) a certification by the veteran's administration or the railroad retirement board—Veteran's Administration, Social Security Administration, or the Railroad Retirement Board, or (ii) if such person is not eligible for certification by any of these agencies, a sworn affidavit sworn affidavits by two (2) medical doctors who are either licensed to practice medicine in the Commonwealth or are military officers on active duty who practice medicine with the United States Armed Forces, to the effect that such person is permanently and totally disabled, as defined in § 58.1-3217 of the Code of Virginia, § 58.1-3217. The If the evidence is in the form of sworn affidavits, the affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in the Code of Virginia, § 58.1-3217.

2. Review by the Commissioner of the Revenue.

The Commissioner of the Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine whether applicants meet the qualifications established in this section. The Commissioner of the Revenue may in addition require the production of certified tax returns and any other records necessary to establish the income or financial worth of any applicant for tax relief.

B. Any dwelling and the land, up to one acre, upon which such dwelling is situated (i) owned by and occupied as the sole dwelling of, any person who is a veteran who has a 100 percent service-connected, permanent, and total disability, (ii) occupied as the sole dwelling jointly owned by a husband and wife, if either spouse is a veteran who has a 100 percent service-connected, permanent, and total disability, or (iii) owned and occupied as the principal place of residence by the surviving spouse of a veteran who had a 100 percent service-connected, permanent, and total disability, where the veteran's death occurred on or after January 1, 2011, is hereby exempted from taxation subject to the following restrictions and conditions:

a. That the veteran or surviving spouse claiming the exemption under this subsection shall file with the Commissioner of the Revenue on forms to be supplied by the Commissioner of the Revenue an application (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly owned by a husband and wife, and (iii) certifying that the real property is occupied as the veteran's principal place of residence.

b. That the veteran shall also provide documentation from the U.S. Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent service-connected, permanent, and total disability.

c. That any surviving spouse of a veteran claiming the exemption shall provide, in addition to the documentation required of the veteran under this subsection, documentation that the veteran's death occurred on or after January 1, 2011.

Sec. 14-40. – Granting of exemption.

~~(a) Such exemption may be granted for any year following the date that the qualifying head of the household occupying such dwelling and owning title or partial title thereto is certified as having reached the age of sixty-five (65) years or for any year following the date the disability is certified to have occurred.~~

~~(b) A. If, after an audit and investigation, the commissioner of the revenue~~ Commissioner of the Revenue determines that ~~the person or persons are a~~ claimant is qualified for an exemption authorized under § 14-39 of this division, ~~he she~~ shall so certify the same, and shall determine the amount of exemption allowable and ~~issue nonnegotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability. Such exemption certificate adjust the claimant's tax liability accordingly. Such adjustment shall apply only to be effective only in the tax year for which issued the determination is made.~~

~~(c) Where the person or persons claiming exemption conforms to the standards and does not exceed the limitations contained in this division, the~~ B. The tax exemption authorized under subsection A of § 14-39 shall be established in accordance with the following schedule:

Combined Financial Worth	\$0— 110,000	\$110,001— 120,000	\$120,001— 130,000	\$130,001— 140,000	\$140,001— 150,000
<i>Exemption Income</i>					

\$ 0—20,000	100%	95%	90%	85%	80%
20,001—30,000	75%	70%	65%	60%	55%
30,001—40,000	50%	45%	40%	35%	30%
40,001—50,000	25%	20%	15%	10%	5%

The maximum amount of relief granted under this division shall be six hundred dollars (\$600.00).

~~(d) Changes C.~~ The claimant shall report to the Commissioner of the Revenue any changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which ~~the affidavit mentioned above is filed and having an exemption authorized under subsection A of § 14-39 is claimed which have the effect of exceeding or violating the limitations and/or conditions provided in this section shall be promptly reported to the commissioner of the revenue by the applicant, and rendering the claimant ineligible for the tax exemption. Any such changes shall nullify any exemption from taxation for the then current taxable year and the taxable year immediately following.~~

~~(e) Exemption will be afforded in accordance with either the elderly or the permanently and totally disabled but not both.~~

~~(f) D.~~ The fact that persons who are otherwise qualified for the real estate tax exemption authorized under subsection A of § 14-39 are residing in the hospitals, nursing homes, convalescent homes, or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which tax exemption is sought does not continue to be deemed the sole dwelling of such persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

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

IN RE: SPECIAL APPEARANCE AND PRESENTATIONS

Performance Contracting – Charlie Barksdale

Mr. Charlie Barksdale, Virginia Department of Mines, Minerals and Energy, presented information regarding performance contracting. **(ATTACHMENT C)**

IN RE: APPROVAL OF BOARD OF SUPERVISORS' MINUTES – MARCH 2011

On motion of Mr. Curd and with the following vote, the Board of Supervisors approved the March 1st, 9th, 15th, 17th, 22nd and 31st minutes.

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

NAY: None

ABSENT: None

IN RE: SUMMER COOLER APPLICATION – AMERICAN CANCER SOCIETY (ADD

On motion of Mr. D. Kidd and with the following vote, the Board approved the Summer Cooler application for the event to be held August 5, 2011.

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

NAY: None

ABSENT: None

IN RE: CORRESPONDENCE

- a. Building Safety & Inspections Monthly Report – March 2011
- b. Department of Planning & Zoning Report
- c. Department of Environmental Quality Financial Assurance
- d. Department of Transportation – Bridge Replacement Project over the Buffalo River
- e. Office of the Governor – Commonwealth's Statewide Transportation Plan
- f. Virginia's Region 2000 Partnership – 2011 Community Economic Development Award
- g. VDOT Traffic Alert – April 4-8, 11-15, AND 18-22, 2011

This was for information only.

IN RE: DCJS LOCAL LAW ENFORCEMENT BLOCK GRANT

The Sheriff's Department has been award a Local Law Enforcement Grant from DCJS in the amount of \$2,123 with a required cash match of \$236. The cash match will come from line 3102-3002 Professional Services in the Sheriff's budget.

The Sheriff is asking that the Board approve this grant and allow David Proffitt to sign the requisite paperwork accepting the grant.

On motion of Mr. D. Kidd and with the following vote, the Board approved the acceptance of the grant and directed David Proffitt to sign the paperwork.

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 APPROPRIATION FROM FINE REVENUE FUND

The Sheriff's Office was requesting the appropriation from fine revenue fund for the following lines:

35010-7001	Dog Warden Equipment	\$	600.00
31020-5801	Membership		2,500.00
31020-7001	Equipment		11,340.00
31020-5804-400	Internment		800.00

- 1. Dog Crates for animal warden trucks
- 2. Informant pay
- 3. Gun suppressors
- 4. Lock file cabinets

On motion of Mr. R. Curd and with the following vote, the Board approved the appropriation.

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 APPROPRIATION FROM FINE REVENUE FUND

The Sheriff's Office was requesting the appropriation from fine revenue fund for the following lines:

31020-1008	Traffic Enforcement F.T. April, May, June	\$	10,000.00
31020-1008	Traffic Enforcement P.T.		10,000.00
31020-1009	Clerical Salary		2,926.50
31020-2001	FICA		1,050.00

31020-2002	VRS	\$	1,855.00
31020-2005	Health Insurance		2,391.00
31020-2006	Life Ins.		97.00
31020-2017	Health Credit		26.00
31020-5804-100	Inmate Work Force		1,600.00
16-3305-5804	DARE		1,500.00
3598-7001	Shelter Equipment		100.00
3598-3001	Shelter Rabies shots		1,800.00

On motion of Ms. Roberson, and with the following vote, the Board approved the above appropriations from the fine revenue fund.

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

NAY: None

ABSENT: None

IN RE: APPROPRIATION REQUESTS

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

31020-3004	Vehicle Repair	\$	80.00
31020-5409	Police Supplies		1,410.00
31020-5501	Travel		11.21
35980-5801	Membership		40.00

(Pass through revenue deposited with the Treasurer)

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

NAY: None

ABSENT: None

IN RE: FINANCIAL UPDATE

Ms. Campbell presented the Board a report on revenues and expenditures and the budget synopsis advertisement for the budget year ending June 30, 2012.

IN RE: RESOLUTION ESTABLISHING A COOPERATIVE RELATIONSHIP WITH CHAMBER OF COMMERCE

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

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

NAY: None

ABSENT: None

For consideration on April 19, 2011

A RESOLUTION, NO. 2011-0016-R

A resolution, establishing a cooperative relationship between the Amherst County Chamber of Commerce and the Amherst County Board of Supervisors, on issues relating to the business community.

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 of Supervisors") wishes to work in cooperation with the Amherst County Chamber of Commerce in matters relating to the business community.

WHEREAS, the Amherst County Board of Supervisors ("Board") supports open communication with the Amherst County Chamber of Commerce related to how the Board's actions may have an impact on the business community; and

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

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

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

That the Amherst County Board of Supervisors and the Amherst County Chamber of Commerce will work together closely on matters related to the Amherst County business community and will maintain open communication in order to better advance the growth and development of the business community in Amherst County.

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

Adopted this 19th day of April, 2011.

IN RE: RESOLUTION RECOGNIZING APRIL AS CHILD ABUSE PREVENTION MONTH

On motion of Mr. R. Curd and with the following vote, the Board approved the following resolution:

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

NAY: None

ABSENT: None

For consideration on April 19, 2011

A RESOLUTION, NO. 2011-0019-R

Recognizing April as Child Abuse Prevention Month.

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 establish the month of April, 2011 as Child Abuse Prevention Month.

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child abuse occurs when people find themselves in stressful situations, without community resources, and without coping mechanisms; and

WHEREAS, most cases of child abuse stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

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

That on this the nineteenth day of April, 2011, the Amherst County Board of Supervisors does hereby proclaim April as Child Abuse Prevention Month, and calls upon citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in efforts to support families, in order to help prevent child abuse and neglect and strengthen the communities in which we live.

BE IT FURTHER RESOLVED:

That the Amherst County Board of Supervisors does hereby recognize April, 2011 as Child Abuse Prevention Month in Amherst County and calls this observance to the attention of County citizens.

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

Adopted this 19th day of April, 2011.

IN RE: INTERIM COUNTY ADMINISTRATOR

The Board discussed the advertisement for an interim county administrator and directed the following be sent to VML, VACO, New Era Progress and News & Advance.

Interim County Administrator, Amherst County

The **County of Amherst, Virginia**, is accepting applications for the position of Interim County Administrator. This position serves an elected five-member Board of Supervisors. The essential functions include planning, directing, and coordinating the overall operation of Amherst County's government and assisting the Board of Supervisors on operations and governance. The Interim County Administrator's duties will include, but not be limited to, promotion of economic development, oversight of County departments, and management of the County budget. The Interim County Administrator may be considered for the position of County Administrator. Prior experience as a County Administrator or Deputy County Administrator required. Compensation negotiable. Submit a letter of interest, resume, professional references, and salary history to David R. Proffitt, Deputy County, Administrator, P.O. Box 390, Amherst, Virginia 24521 by Monday, May 16, 2011. The County may consider applications received after May 16, 2011. Amherst County is an Equal Opportunity Employer.

IN RE: CHAMBER OF COMMERCE DINNER

The County gets a table for eight (8) people and they needed a head count as to who was planning to attend. Ms. Tucker said she would be there in another capacity.

Ms. Roberson, Mr. Curd, Mr. Kidd, Ms. Bowyer, Mr. Proffitt and then they were to check with Jeremy and the EDA Council.

IN RE: SHERIFF'S DEPARTMENT REQUEST FOR LEAVE OF ABSENCE FOR AN EMPLOYEE

Ms. Bowyer presented information on this request.

As there were still more questions the Board postponed this until the next meeting.

IN RE: REVISION OF LANDSCAPE REQUIREMENTS CONTAINED IN THE COUNTY ZONING ORDINANCE

After much discussion, the Board moved the following:

On motion of Mr. R. Curd and with the following vote, the Board moved that the Deputy County Administrator instruct the Zoning Director to report to the Planning Commission, at its second regularly scheduled meeting in May as to the requirements that counties similar to Amherst have established relative landscaping and where the site plan approval is conditioned on the compliance of these requirements.

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

NAY: None

ABSENT: None

IN RE: TRANSFER TO EDA OF AMELON COMMERCE PARK

Ms. Bowyer provided the following letter to the Board, requesting the Chair to sign if approved:

On motion of Mr. Campbell and with the following vote, the Board approved the Chair to sign the April 20, 2011 letter to the EDA.

April 20, 2011

By Hand

Warren Teates, Chairman
Amherst County Economic Development Authority
Post Office Box 390
Amherst, Virginia 24521

Dear Mr. Teates:

At a regularly scheduled meeting held on July 20, 2009, the Amherst County Economic Development Authority ("EDA") approved passage of a resolution requesting that the Amherst County Board of Supervisors ("Board") transfer ownership of the Amelon Commerce Center from the County to the EDA. The Board declined to address the resolution at its meeting on July 21, 2009, citing unresolved issues. Given our focus on economic development, we believe it is important to determine whether we can structure an approach acceptable to both parties that will also be most effective in furthering economic development.

Transfer of the Amelon Commerce Center is a significant matter, and we wish to ensure that any such transfer results in a specific benefit to the County. We therefore would greatly appreciate the EDA's advising us in writing as to the following: (i) does the EDA remain interested in taking fee title to the Commerce Center; (ii) would the EDA accept that title in phases (i.e., a given set of lots at a time), and (iii) would the EDA accept title subject to certain reversionary clauses that would allow the Board to recover the property if the EDA is unable to transfer the property for usable purposes? If the EDA remains interested in taking title under those types of restrictions, we ask that the EDA advise us in writing of its plans to develop the Commerce Center, and detail how fee simple ownership of the property will facilitate such development.

The Board wishes to support economic development in the County and looks to the EDA for assistance in doing so. We hope to partner with you in the most effective use of the Amelon Commerce Center. We appreciate your attention to this letter and look forward to receiving your response.

With thanks for your assistance to the County, I remain,

Yours truly,

Claudia D. Tucker

cc: EDA Members
Amherst County Board of Supervisors

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

NAY: None

ABSENT: None

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Ms. Tucker and with the following vote, the Board approved the following transfers except the Treasurer's Office transfer request:

TRANSFERS:			
	LINE NUMBER	DESCRIPTION	AMOUNT
CIRCUIT COURT			
FROM:			
0201010	5201	Postal Services	\$469.00
TO:			
21010	3004	Repairs & Maintenance	\$469.00
(To cover expenses in Repairs & Maintenance for office copier – line in the red)			
PURCHASING DEPT.			
FROM:			
12170	5201	Postal Services	\$100.00
TO:			
12170	5203	Telecommunication	\$100.00

(To cover expenses in telecommunications until the end of the year)			
TREASURER'S OFFICE			
FROM:			
12130	1006	Comp—Deputy Treasurers	\$20,000.00
TO:			
12130	1003	Extra Office Help	\$20,000.00
PUBLIC SAFETY			
FROM:			
35050	3010	Radio Maintenance	\$1,552.04
TO:			
35050	3009	Repairs (Auto)	\$1,552.04
(To cover repair costs to Public Safety vehicle.)			
FROM:			
32020	5605	Contribution Gladstone Fire	\$200.00
32020	5606	Contribution Piney River Fire	\$200.00
32020	5609	Contribution Big Island Fire	\$200.00
32030	5608	Contribution Big Island Rescue	\$1,000.00
TO:			
32020	5612	Fueling Cost – Vol. Fire Services	\$600.00
32030	5612	Fueling Cost – Vol. Rescue Services	\$1,000.00
(To cover fueling cost for volunteer fire and rescue services)			
VARIOUS DEPARTMENTS			
FROM:			
12090	2010	Workman's Comp	\$1,064.79
43020	2010	Workman's Comp	\$143.89
53010	2010	Workman's Comp	\$71.09
81600	2010	Workman's Comp	\$206.55
85-42080	2010	Workman's Comp	\$208.16
TO:			
12010	2010	Workman's Comp	\$1,486.32
85-42040	2010	Workman's Comp	\$208.16

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

None at this time.

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

Ms. Roberson – Do something to get stuff off plate – wants a report on getting things finished.

Mr. Curd - would like a workshop prior to next EMS Council meeting.

Ms. Tucker made comment that Mr. Curd has done an excellent presentation to the EMS Council.

Mr. Kidd – 1) He thinks the BZA is sending businesses a bad message.

2) Retreat – Ms. Bowyer says she has a draft report done.

3) Birthday on April 30 – he will not be there and he wanted to know which members would be attending.

Ms. Tucker – 1) Welcome letter for the Birthday party
2) Conference call on Friday with VDOT on the depot

Mr. Campbell – none

IN RE: CLOSED SESSION

Mr. F. Curd moved that the Amherst County Board of Supervisors convene in closed session (1) 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 transfer of a lot in the Amelon Commerce Center, which matters require the provision of legal advice by legal counsel.

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

Mr. Campbell moved to come out of closed session, seconded by Mr. Curd 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 Mr. R. Curd 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 the 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.)

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

IN RE: ADJOURNMENT

On motion of Mr. Campbell, seconded by Mr. Curd, the Board of Supervisors moved to adjourn.

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