

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 17th day of May, 2011 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT:	Ms. C. Tucker	ABSENT:	Mr. D. Kidd
	Mr. F. Campbell		
	Mr. R. Curd		
	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: CITIZEN COMMENTS

Ms. Tucker opened the floor to citizen comments with her stating that she had received an email from Elizabeth Briggs which she had asked the County Attorney to review. Due to the sensitive content of the email she did not feel comfortable reading it in publicly

Ms. Janice Camden – 419 Main Street, Madison Heights – She was speaking on the rental ordinance. She stated that it had been in use for almost three (3) years and the people of District 5 were not seeing what they should. She referred to several houses around her that Mr. Campbell would do nothing. The people seem to know what they can get by with.

Ms. Tucker's comment in thanking her was to say that the rental ordinance is an ongoing project.

Mr. John A. Marks, Jr. 225 Clark Street, Madison Heights, Virginia 24521 – Mr. Marks spoke on the delinquent tax issue.

IN RE: APPROVAL OF AGENDA**Changes:****Special Appearance and Presentations**

Move: XV. (a) Staffing for Amherst Lifesaving to VI. (c) under Special Appearance and Presentations

County Administrator's Reports

Add: (e) Set public hearing for School Board appointment

Add: (f) Consideration of changing of Board room

Add: (g) Consideration of travel for EDA

Closed Session

Add: 2.2-3711.A.1 – Appointment of bond counsel

On motion of Ms. Roberson and with the following vote, the Board approved the agenda with the changes made:

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: PUBLIC HEARING ZONING CASE 2011-01 SAJAL NARAYAN

2011-01 Request by Sajal Narayan for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to change an existing condition that allowed a maximum of fifteen (15) vehicles. The condition was made on April 20, 2010 and stated: *"maximum of fifteen (15) vehicles for sale at any one time"*. The request is to extend the number of vehicles for sale to a maximum of forty-two (42). The parcel is located at 188 Faulconerville Drive and is further identified as tax map number 124-A-9.

J. Bryant, Planning Director

According to Section 707.03(2) *"automobile sales, used"* is listed as a special exception use in the B-2 General Commercial District. The parcel is surrounded on three (3) sides by state maintained roads. Route 29 Business borders the property to the south. To the north is Faulconerville Drive (SR 761) and to the east is Smokey Hollow Drive (SR 663). Most of the used car sales establishments located in Amherst County are along Route 29 Business.

According to the site sketch the parcel is .85 acres. On February 16 2010 the applicant submitted a request for consideration of a used automobile sales lot. On April 20 2010 the Amherst County Board of Supervisors approved the request for an automobile sales lot with a total of five (5) conditions, they were:

- 1) Remove the free standing letter sign that is approximately 4' x 8'.
- 2) Maximum of fifteen (15) vehicles for sale at any one time.
- 3) A minimum of two-hundred (200 square feet of low profile plants shall be planed along the hillside adjacent to Route 29 Business and/or Smokey Hollow Road.
- 4) Display area for automobiles may be surface treated or paved.
- 5) Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets

Mr. Narayan is requesting to modify condition number two (2) to state: "maximum of **forty-two (43) fifteen-(15) vehicles for sale at any one time.**" Section 602.01 (1) states that "the term off-street parking space" shall mean a space at least nine (9) feet wide and eighteen (18) feet in length. The display area will be along Route 29 Business and along Smokey Hollow Road (SR 663), as indicated on the site plan with dimensions of display area.

The Planning Commission on April 21, 2011 recommended approval of the request from Mr. Narayan with the following conditions.

1. Staff recommended that the applicant consult with the Department of Health to ensure that the drainfield serving the parcel of land will not be affected by the proposed increase in vehicles. The applicant shall provide a written letter from the Department of Health to the Amherst County Planning Department confirming that the vehicles will not affect the drainfield.
1. Display area for automobiles shall be paved according to the requirements of the Virginia Department of Health. Parking areas that are adjacent to the existing drainfield shall also be paved. Paving shall be completed within three (3) months from the date of zoning permit approval. If paving is not completed within the specified time period, the zoning permit shall be revoked.
2. A maximum of thirty-eight (38) vehicles for sale at any one time and shall be illustrated on the site plan prepared by Actual Surveyors prior to the approval of a zoning permit.
3. A wooden privacy fence shall be erected around the dumpster that is located on-site. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total heights.
4. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.

5. A minimum of two hundred (200) square feet of flow/mulch beds shall be planted in creative groupings. All vegetation identified on the site plan shall be planted within six (6) months from the date of zoning permit approval.
6. The placement of all automobiles for sale shall be located in an area that does not affect any vehicular sight distance.

The Board of Supervisors discussed and asked Mr. Bryant questions.

Proponents: Taze Crowder, surveyor, explained that the water from the parking lot would be sheet flow and it would not cause erosion. He stated that his employer pays his taxes and every parking space pays taxes.

Opponents: Amanda de Coligny, stated that she wasn't against this but was questioning the parking.

Public Hearing Closed.

Board of Supervisors comments:

Ms. Tucker - #3 request is for 38 vehicles – can they increase this number if some of the vehicles have sold signs on them. Mr. Bryant agreed that some people can find the loop holes in any ordinance.

Ms. Tucker – will the paving cause any run off issues?

Mr. J. Bryant - The way the property is sloped it will not have any problems.

Ms. Roberson – Why are all of the vehicles squashed in one area?

Mr. J. Bryant - Survey shows this is the most accommodating way to handle. Surveyor laid out parking spaces, leaving existing uses along. This proved that 36 parking spaces would be available for spaces requested.

Mr. Campbell – Why are the first three conditions in this request also. Did they not comply with these conditions before?

Mr. J. Bryant - They have not met one condition but that was because this was VDOT property.

Mr. Curd – Size of parking spaces 9' x 15' – can any size vehicle fit?

Mr. J. Bryant - Yes

Mr. Campbell – ask the applicant if he was aware of the time line for some of the conditions.

Sajal Narayan replied that he was.

On motion of Ms. Tucker and with the following vote, the Board of Supervisors approved the request for a special exception in the B-2 General Commercial District with the following conditions:

1. Staff recommends that the applicant consult with the Department of Health to ensure that the drainfield serving the parcel of land will not be affected by the proposed increase in vehicles. The applicant shall provide a written letter from the Department of Health to the Amherst County Planning Department confirming that the vehicles will not affect the drainfield. (Planning had received a letter from the Department of Health stating that the parking lot would have to be paved as the vehicles would be setting on the drainfield but it did approve the request)
2. Display area for automobiles shall be paved according to the requirements of the Virginia Department of Health. Parking areas that are adjacent to the existing drainfield shall also be paved. Paving shall be completed within three (3) months from the date of zoning permit approval. If paving is not completed within the specified time period, the zoning permit shall be revoked.
3. A maximum of thirty-eight (38) vehicles for sale at any one time and shall be illustrated on the site plan prepared by Actual Surveyors prior to the approval of a zoning permit.

4. A wooden privacy fence shall be erected around the dumpster that is located on-site. The fence shall be a wooden slat fence that is a minimum of six (6) feet in total heights.
5. Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.
6. A minimum of two hundred (200) square feet of flow/mulch beds shall be planted in creative groupings. All vegetation identified on the site plan shall be planted within six (6) months from the date of zoning permit approval.
7. 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 and Ms. J. Roberson

NAY: None

ABSENT: Mr. D. Kidd

IN RE: PUBLIC HEARING ZONING CASE 2011-10 – BERNARD K. MUNDY

2011-10 Request by Bernard K. Mundy II for a special exception request in the Flood-Fringe and approximate Flood Plan District. The purpose of the special exception is to allow the construction of an addition of a bathroom to an existing dwelling that is located in the Flood Hazard Overlay District. The property is zoned A-1 Agricultural Residential District and is located at 3733 Buffalo Springs Turnpike and is further identified as tax map number 105-A-11.

Mr. J. Bryant, Planning Director, presented the request for a special exception.

On April 21, 2011, the Amherst County Planning Commission recommended approval with the following condition:

- 1) Drainfield: Prior to issuance of a zoning permit, review from the Virginia Department of Health for safe, adequate and proper evaluation.

Ms. Roberson – was there any question or issue with the water. The owner replied that there wasn't.

Proponents: None

Opponents: None

On motion of Mr. R. Curd and with the following vote, the Board of Supervisors approved the request for a special exception request in the Flood-Fringe and approximate Flood Plain District to construct an addition of a bathroom to an existing dwelling with the condition recommended by the Planning Commission.

- 1) Drainfield: Prior to issuance of a zoning permit, review from the Virginia Department of Health for safe, adequate and proper evaluation.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: DELINQUENT TAX STATUS

Ms. Evelyn Martin, Treasurer and J. Thompson Shrader, Attorney, were present to discuss the delinquent tax status.

Mr. Shrader described the process that you had to go through before any land would be sold for back taxes. It takes time and there is no way around the issue.

Treasurer advised Attorney that there are delinquent real estate taxes. A letter is sent out by the Treasurer stating the amount of back taxes and how long they were delinquent. After thirty (30) days, the Attorney runs ad in the paper for a thirty (30) day notice, then files in Circuit Court (how much, how long and identify property owner and address – property owner must be tagged and the Circuit County allows you or not to tag the property owner. This procedure takes time and you cannot deviate from the path.

Ms. Tucker: what's the cost?

Mr. Shrader states that there is no charge for any of this. His fees come from the sale of the property for delinquent taxes and this is vetted by the Circuit Court judge.

The Board of Supervisors proceeded to ask questions of Mr. Shrader and Ms. Martin and asked for a status report once a month from the Treasurer.

IN RE: FIRE AND RESCUE SOGS

Mr. Danny Tucker, Chief Pedlar Fire Department and Gary Roakes, Director of Public Safety appeared before the Board and presented a draft Standard Operating Guidelines.

Ms. Roberson – was this the first time for guidelines to be established.

Mr. Tucker – no but they were separate guidelines for each fire and rescue squad.

Mr. Curd wanted to thank all the fire and rescue squads for their corporation

Mr. Shrader was also at meeting representing Amherst Fire Department and he wished for the County Attorney to review the document.

Mr. Roakes would like for all the squads to follow the same guidelines.

Ms. Bowyer – if it was the Board's wish, she would review and come back with suggestions.

Ms. Roberson asked if there was someone that the squads could get to review this document.

Mr. Tucker stated there was not and they didn't have the money to pay someone to do it.

IN RE: STAFFING AMHERST RESCUE

Ms. Tucker, while Danny Tucker and Gary Roakes were at the meeting, she wished for the Board to return the staffing of Amherst Rescue back to an agenda. She asked Mr. Tucker to explain what had happened. While the Pedlar Rescue was taking calls from Amherst who could not get anyone to answer, someone died across the road from the Pedlar Rescue building who could not get back in time to answer.

IN RE: CONSENT AGENDA

On motion of Mr. Curd and with the following vote, the Board approved the April 5th, 15th, and 19th minutes with the previous amendments and correction and Pg 999 typo on Public Safety 35050 line should be \$1,552.04 instead of \$2,552.04.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: CORRESPONDENCE

- a. Zoning Case 2011-03 – 503 Woodson Road
- b. Planning Department Monthly Report
- c. Building Safety and Inspections Monthly Report – April 2011
- d. Amherst County Parks, Recreation and Cultural Development Board – March 21, 2011 and April 11, 2011

- e. Restoration of the Chesapeake Bay and its Tributaries: A working seminar for local officials.
- f. 2011 Personal Property Tax Relief for the Elderly and Disabled
- g. Dominion Virginia Power seeks approval of new power station, transmission and fuel rates to continue reliable service to customers.
- h. Office of Drinking Water Notice of Violations – Wildwood Campground
- i. Robert E. Lee Soil & Water Conservation District Minutes March 24, 2011
- j. VDOT Traffic Alerts – May 2-6, 9-13, and 16-20, 2011

This was information only for the Board of Supervisors.

IN RE: OFFICE OF FAMILIES AND CHILDREN SERVICES

A letter was received from Ms. Taylor dated May 10, 2011 about the finances of her department. She stated that her budget had been exceeded in some lines. She wished to request that any funds left in any of the categories in the CSA budget be allowed to be transferred to cover any of the budget areas that have had a shortage. Should this not be enough to balance the CSA budget then she would like to request an amount that would balance this budget on June 30, 2011 supplemented from the General Fund.

IN RE: DEPARTMENT OF CENTRAL ACCOUNTING FINANCIAL REPORT

Ms. Campbell, Director of Central Accounting, presented the Board with a financial report as of April 30, 2011.

She informed the Board that local sales tax is declining. For the last two months, sales tax collection is under \$100,000. With this declining revenue, final local sales tax will be below what's budgeted.

Building permits for April were \$5,276.41 and continues below estimate for the year.

Interest on bank deposits was consistent with last month's; record shows \$2,843.06 being collected for April.

Treasurer continues a steady collection of delinquent taxes. Overall collection in delinquent taxes provides a balance for areas where revenues are weak.

IN RE: UPDATE ON TRAIN DEPOT

At the May 3, 2011 Board meeting staff was directed to contact the architect for the Depot Project to obtain a cost estimate for assistance in preparing a proposal to the Department of Historic Resources for amendments to current renovation requirements.

The architect would plan to bill this cost in accordance with the existing contract terms for architectural services and allow the County to submit those costs for reimbursement. The County would be responsible for paying the bill. The first step in proposal preparation would be for the architect to meet with the Board to present his ideas and receive input.

Mr. Campbell wished to do research and bring back to the Board within two weeks whether he found a contractor that can do this work without having to pay the architect.

Ms. Tucker made a motion to allow Mr. Campbell to do his research for two weeks, then he comes back to the Board and if not with a satisfactory answer that all the Board members can agree on then they will go forward with the architect's proposal.

AYE: Ms. C. Tucker, Mr. F. Campbell, Mr. R. Curd

NAY: Ms. J. Roberson

ABSENT: Mr. D. Kidd

IN RE: LINE OF DUTY

To provide some history concerning Line of Duty (LODA); the State provided funding through its general fund for costs associated with the Line of Duty Act, until FY2011. For FY2011, the State funded LODA with funds borrowed from the VRS Group Life Insurance Program. It's my understanding, the Department of Accounts will administer the benefits, and the State Comptroller will make the eligibility determinations, and the State appointed VRS to manage the LODA Fund.

The benefits as set forth in the Code are not changing. The change, as pointed out earlier, involves the funding of the Line of Duty Act which transferred from the State's general fund to localities; this came about after the 2010's Conferee.

As the State assigned local governments a mandate to fund LODA; budget actions of 2011 extended opt out date for the VRS Fund participation from June 30, 2011 until July 1, 2012. Local governments **not** taking action with a 'resolution' will automatically participate in the Fund. Local governments must either participate in a pre-fund plan, or be able to pay as they go of any costs associated with claims for their locality.

Whichever choice the County chooses, either to 'opt-out' or remain in the Fund, the decision is irrevocable.

Information is provided for comparison of costs the County may incur through VRS, and cost through self-funding with Virginia Association of Counties (VACO).

A budget of \$32,000 was placed in the 2011-2012 County's Proposed Budget to cover the cost associated with LODA. The cost comparison between VRS and VACO shows funds to participate in either would be sufficient. However, over the next three years, the cost factor for VRS increase substantially, while the estimate VACO provides show a minimum increase.

The program through VACO has been constructed to mimic VRS without the cost of loan repayment.

It is recommended the County 'opt-out' of LODA administered by VRS. Accept proposal offered through VACO, and sign the addendum adding Line of Duty to the County's insurance policy with VACO.

The Board of Supervisors directed the County Attorney to present a resolution at the June 7 2011 Board meeting allowing the County to 'opt-out' of VRS.

IN RE: INTERIM COUNTY ADMINISTRATOR INTERVIEW PROCESS

Advertisements have been made for applications for the position of Interim County Administrator as directed by the Board on April 19, 2011. At this time seven (7) responses have been received. The Board has tentatively set potential interview dates for May 25th, 26th and 27th.

It is the Acting County Administrator's recommendation that the Board direct staff to review applications received and schedule interviews for all qualified applicants. Additionally staff could review questions that were used during the previous County Administration interview process, make adjustments as appropriate and prepare for use by the Board.

The Board directed staff to reduce the applicants to 6 but to send all of the applications to them and set May 25th beginning at 9:00 a.m. for interviews.

The Board also directed that the questions be emailed to each of them.

IN RE: CENTRAL VIRGINIA COMMUNITY SERVICES

Ms. Nancy Cottingham with Central Virginia Community Services appeared before the Board informing them about the actions that they are trying to start with regard to the resolutions that they had asked the Board to approve.

IN RE: RESOLUTION NO 2011-0017-R – CENTRAL VIRGINIA COMMUNITY SERVICES BOARD TO BORROW UP TO \$1 MILLION FOR THE PURPOSES OF PURCHASING AN ELECTRONIC HEALTH RECORDS SYSTEM

On motion of Mr. Curd and with the following vote, the Board approved the adoption of resolution No. 2011-0017-R.:

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

NAY: None

ABSENT: Mr. D. Kidd

A RESOLUTION, NO. 2011-0017-R

A resolution, authorizing the Central Virginia Community Services Board to borrow up to \$1 million for the purposes of purchasing an electronic health records system.

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 authorizes the Central Virginia Community Services Board to borrow funds for the purchase of an electronic health records system, as follows:

WHEREAS, the Central Virginia Community Services Board is a governmental entity of the Commonwealth of Virginia created under the authority of Chapter 5 of Title 37.2 of the Code of Virginia (1950), as amended ("Virginia Code") pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, for the purposes of providing those jurisdictions with mental health, intellectual disability, and substance abuse services; and

WHEREAS, subdivision A.11 of Virginia Code § 37.2-504 permits a community services board to apply for and accept loans as authorized by the governing body of each county or city that established the community services board;

WHEREAS, the Central Virginia Community Services Board has determined that it is required to purchase electronic health records software and related hardware in order to comply with federal regulations; and

WHEREAS, the Central Virginia Community Services Board has determined that it is necessary to borrow up to **\$1,000,000** (one million dollars) to support such acquisition.

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

That, pursuant to its authority under subdivision A.11 of Virginia Code § 37.2-504, the Board of Supervisors hereby authorizes the Central Virginia Community Services Board to borrow money in an amount not to exceed **\$1,000,000** (one million dollars) for the purchase of electronic health records software and related hardware.

BE IT FURTHER RESOLVED:

That the Central Virginia Community Services Board's borrowing of money or its execution of any loan documents shall not directly, indirectly or contingently obligate Amherst County to pledge its faith and credit for, or to levy any taxes or otherwise commit County funds to, the payment of the principal or premium or interest on any loans obtained by the Central Virginia Community Services Board.

Adopted this 17th day of May, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Acting Clerk
Amherst County Board of Supervisors

IN RE: RESOLUTION NO. 2011-0018-R AUTHORIZING THE CENTRAL VIRGINIA COMMUNITY SERVICES BOARD TO USE GRANT FUNDS AND TO APPLY FOR AND ACCEPT LOANS NOT EXCEEDING \$800,000 TO ACQUIRE OR BUILD, AND OPERATE, AN INTERMEDIATE CARE FACILITY FOR ADULTS WITH INTELLECTUAL DISABILITIES

On motion of Mr. Curd and with the following vote, the Board approved the adoption of resolution No. 2011-0018-R.

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

NAY: None

ABSENT: Mr. D. Kidd

A RESOLUTION, NO. 2011-0018-R

A resolution, authorizing the Central Virginia Community Services Board to use grant funds, and to apply for and accept loans not exceeding \$800,000, to acquire or build, and operate, an intermediate care facility for adults with intellectual disabilities.

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 authorizes the Central Virginia Community Services Board to use grant funds and apply for and accept loans to acquire or build, and operate an intermediate care facility for adults with intellectual disabilities, as follows:

WHEREAS, the Central Virginia Community Services Board is a governmental entity of the Commonwealth of Virginia created under the authority of Chapter 5 of Title 37.2 of the Code of Virginia (1950), as amended ("Virginia Code") pursuant to a joint agreement between the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg, for the purposes of providing those jurisdictions with mental health, intellectual disability, and substance abuse services; and

WHEREAS, subdivision A.8 of Virginia Code § 37.2-504 permits a community services board to accept gifts, donations, bequests, or grants of money or property and, with the authorization of the governing body of each county or city that established the community services board, to use the same;

WHEREAS, subdivision A.11 of Virginia Code § 37.2-504 permits a community services board to apply for and accept loans as authorized by the governing body of each county or city that established the community services board;

WHEREAS, the Central Virginia Community Services Board has determined that it is necessary to obtain and use grant funds from the Commonwealth of Virginia and possibly other sources, and to borrow money, to acquire or build, and operate an intermediate care facility for adults with intellectual disabilities; and

WHEREAS, any such borrowing shall not exceed **\$800,000**.

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

That, pursuant to its authority under subdivisions A.8 and A.11 of Virginia Code § 37.2-504, the Board of Supervisors hereby authorizes the Central Virginia Community Services Board to use grant funds it receives from the Commonwealth of Virginia or other entities, and to borrow money in an amount not to exceed **\$800,000** to acquire or build, and operate an intermediate care facility for adults with intellectual disabilities.

BE IT FURTHER RESOLVED:

That the Central Virginia Community Services Board's acceptance of any grants or its borrowing of any money, or its execution of any loan or grant documents, shall not directly, indirectly or contingently obligate Amherst County to pledge its faith and credit for, or to levy any taxes or otherwise commit County funds to, the payment of the principal or premium or interest on any loans or grant funds obtained by the Central Virginia Community Services Board.

Adopted this 17th day of May, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Acting Clerk
Amherst County Board of Supervisors

IN RE: RESOLUTION NO. 2011-0021-R EXPRESSING THE FULL SUPPORT OF THE AMHERST COUNTY BOARD OF SUPERVISORS FOR THE TREASURER'S LAWFUL EFFORTS TO COLLECT DELINQUENT REAL ESTATE TAXES.

Ms. C. Tucker moved to adopt Resolution No. 2011-0021-R expressing the full support of the Amherst County Board of Supervisors for the Treasurer's lawful efforts to collect delinquent real estate taxes.

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

NAY: None

ABSENT: Mr. D. Kidd

A RESOLUTION, NO. 2011-0021-R

Expressing the full support of the Amherst County Board of Supervisors for the Treasurer's lawful efforts to collect delinquent real estate taxes.

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 express its support for efforts by the County Treasurer to identify and collect delinquent taxes on real estate located in the County, as follows:

WHEREAS, the Board recently has completed preparation of an annual budget that required difficult choices in order to bring expenditures into balance with available revenues; and

WHEREAS, the County, like much of the United States, continues to struggle to recover from a severe recession; and

WHEREAS, the Board anticipates that funding will remain restricted – state funding may continue to decline and County revenues may remain depressed; and

WHEREAS, the Treasurer is authorized by law to collect taxes on County real estate and to institute legal proceedings to collect taxes that remain delinquent for more than two years; and

WHEREAS, there now exist several parcels of property in the County for which taxes have not been paid, causing in part that very depression in County revenues the Board discerned in the course of budget preparation.

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

The Board does not condone delinquencies in the payment of real estate taxes, and fully supports all lawful efforts by the County Treasurer to collect delinquent taxes on County real estate.

BE IT FURTHER RESOLVED:

The Board encourages the Treasurer to undertake collection actions in as expeditious a manner as the law allows so as to ensure both the proper flow of revenue into the County treasury and the accurate portrayal of the County's position of adherence to the fair and consistent enforcement of its tax laws.

BE IT FURTHER RESOLVED:

That the Acting Clerk of the Board of Supervisors is directed to supply a certified copy of this resolution to the County Treasurer.

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

Adopted this 17th day of May, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

David R. Proffitt, Acting Clerk
Amherst County Board of Supervisors

IN RE: APPROPRIATIONS AND/OR TRANSFERS

a. APPROPRIATIONS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
SHERIFF'S DEPARTMENT			
35980	7001	Shelter Equipment	\$10,333.71
(From Fine revenue fund)			
31020	3004	Vehicle Repair	\$ 225.00
31020	5409	Police Supplies	\$ 380.00
31020	5504	Travel-Education	\$ 75.00
(Pass through revenue deposited with Treasurer's Office)			

On motion of Mr. F. Campbell and with the following vote, the Board approved the appropriation request (above) from the Sheriff's Department.

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

NAY: None

ABSENT: Mr. D. Kidd

71010	3002	Professional Services	\$ 2,000.00
71010	3004	Repairs & Maintenance	\$ 7,400.00

(\$2,000 to create a county park signage plan)

(\$7,400 to re-sod a sports field @ Coolwell Park)

(\$46,000 has been deposited into the General Fund from fees and charges for Recreation programs. This is \$11,000 in excess of the projection on which the Recreation budget was appropriated for FY11. This request is seeking to reinvest excess back into the County parks for the benefit of the public and county image.)

Mr. Proffitt informed the Board that the Recreation Director wanted this deleted from the requests.

b. TRANSFERS			
DEPT. NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
COMMISSIONER OF REVENUE			
TRANSFER FROM			
12090	5501	Travel	\$1,800.00
TRANSFER TO:			
12090	5504	Travel	\$1,800.00
(Funds moved to cover expenses for out-of-town travel for conference approved Comp Bd training and meetings.)			
VARIOUS DEPARTMENTS			
TRANSFER FROM:			
12010	2010	Workman's Comp	\$1,486.32
85-42040	2010	Workman's Comp	\$ 208.16
TRANSFER TO:			
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
(Transfer of funds requested to cover deficit in workman's comp account lines for 2010-2011.)			
SHERIFF – JAIL			
TRANSFER FROM:			
33010	3004	Building Repair	\$2,200.00
31020	5409	Police Supplies	\$7,320.00
TRANSFER TO:			
33010	5416	Physical Exam	\$ 500.00
33010	5804	Pre-employment	\$1,700.00

31020	5203	Telephone	\$5,000.00
31020	5416	Physical Exam	\$ 170.00
31020	5449	Tires	\$2,150.00
PUBLIC SAFETY			
TRANSFER FROM:			
35050	3006	Public Education	\$4,000.00
35050	5806	Volunteer Recognition	\$1,000.00
35050	3010	Radio Maintenance	\$2,914.80
			\$1,552.00
TRANSFER TO:			
32020	5805	Fire Training	\$5,000.00
35050	3009	Repairs (Auto)	\$1,552.04
35050	5160	Janitorial Service	\$1,362.76
To pay for invoice to Central Virginia Firefighters Association Training Center for 2010. To pay for repairs to 1999 Tahoe. To cover janitorial service for balance of year.			
Parks, Recreation and Cultural Development			
TRANSFER FROM:			
71010	1007	Comp Assistants	\$2,200.00
TRANSFER TO:			
71010	1012	Comp Officials	\$2,200.00
(Requesting transfer for a new program in FY40 11. Registration fees were collected to cover the cost of the league and deposited into the General Fund; however a transfer of funds within the Recreation Department budget is sufficient.			

On motion of Ms. Roberson and with the following vote, the Board approved the rest of the appropriations / transfers with corrections of deleting the Recreation request for an appropriation of \$9,400.00, changing Public Safety 35050 3010 Radio Maintenance from \$2,914.80 to \$1,552.00 and at bottom Recreation change FY10 to FY11.

AYE: Ms. C. Tucker, Mr. F. Campbell, Mr. R. Curd and Ms. J. Robeson

NAY: None

ABSENT: Mr. D. Kidd

IN RE: NATIONAL FORESTRY SERVICE PROGRAM

The Board was brought up to date on this program. There has been no correspondence to the County regarding this program until recently for quite some time. The Federal Government has performed background investigations on proposed committee members and is inviting Marvin Tinsley to represent Amherst County's interest. Mr. Tinsley may need to attend several meetings this summer in the Roanoke area. He has asked if the County will provide mileage reimbursement for travel. Central Accounting Director, Ms. Campbell believes that there should be sufficient funds budgeted in the Board of Supervisor's budget.

It was the consensus of the Board to authorize reimbursement of mileage for Mr. Tinsley's attendance at Resource Advisory Committee meetings in Roanoke.

IN RE: SCHOOL BOARD VACANCIES

The Board of Supervisors needs to hold a public hearing to receive public comment on the appointment of individuals to the Amherst County School Board representing District 2 and District 4 with a four (4) year term to expire June 30, 2015. We have received letters from both of the people serving on this Board asking for reappointment but letters of interest will be accepted until the public hearing.

It was a consensus of the Board of Supervisors to set a public hearing for June 7 for appointment on June 21, 2011.

IN RE: MOVING OF BOARD OF SUPERVISORS MEETINGS BACK TO THE SCHOOL BOARD ROOM

By consensus the Board of Supervisors decided to move their meetings back to the School Board meeting room.

IN RE: EDA TRAVEL EXPENSES

By consensus the Board of Supervisors moved to allow the EDA members to file for reimbursement of travel expenses which already have the funds in the budget.

IN RE: REDISTRICTING: RECOMMENDATION OF COUNTY REDISTRICTING COMMITTEE

Ms. Bowyer reported to the Board that the last Redistricting Committee meeting was held Monday, May 16, 2011 but would remain in effect to help the Registrar. She would have a resolution for the June 7th Board of Supervisors meeting with the recommendation from the Redistricting Committee that the precincts and districts would remain the same.

IN RE: TRANSFER REQUEST – COUNTY ATTORNEY

TRANSFER FROM:

022020 5501	Travel	\$ 488.00
022020 5411	Books & Subscriptions	100.00
022020 5504	Training & Education	262.00

TRANSFER TO:

22020 7001	Equipment	\$ 250.00
22020 5801	Dues & Association Memberships	50.00
22020 5401	Office Supplies	550.00

Mr. F. Campbell made a motion to approve a transfer request from the County Attorney, dated May 17, 2011, transferring \$488.00 from Travel, \$100.00 from Books & Subscription and \$262.00 from Training & Education for the purchase of of two filing cabinets and laser printer ink cartridges, to Dues & Association Memberships (\$50.00) to erase a \$50.00 deficit in that line and to Office Supplies (\$150.00) to avoid a shortfall in that line.

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

IN RE: CITIZEN COMMENTS

The Chair asked for citizen comments. There were none.

IN RE: MATTERS FROM THE BOARD OF SUPERVISORS

Mr. F. Campbell – wanted to thank Ms. Bowyer for her help and there was confusion about his vote on the Budget the night before. The paper made it seem that his nay was because he wanted to continue with the Train Depot. His NAY: Mr. F. Campbell (No consideration for Train Depot, Phelps Road School and Blue Ridge Regional was because the budget did not show any consideration for these projects.

Mr. Curd – None

Ms. Roberson – None

Ms. Tucker – None

IN RE: CLOSED SESSION

Ms. J. Roberson moved that the Amherst County Board of Supervisors convene in closed session pursuant to the exemption at §2.2-3711 (A)(7) of the Code of Virginia, to consult with the County Attorney regarding specific legal matters pertaining to Phelps Road School and Blue Ridge Trail which matters require the provision of legal advice by legal counsel.

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

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

NAY: None

ABSENT: Mr. D. Kidd

Ms. J. Roberson moved that the Amherst County Board of Supervisors convene in closed session pursuant to the exemption at §2.2-3711 (A)(1) of the Code of Virginia, to consult with the County Attorney regarding specific legal matters pertaining to appointment of bond counsel, which matters require the provision of legal advice by legal counsel.

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

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

NAY: None

ABSENT: Mr. D. Kidd

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, and Ms. J. Roberson

NAY: None

ABSENT: Mr. D. Kidd

CERTIFICATION OF CLOSED MEETING

Ms. J. Roberson 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.

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

IN RE: BOND COUNSEL

Ms. Tucker moved to direct the County Attorney to pursue a contract with Troutman & Sanders for bond counsel.

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

NAY: None

ABSENT: Mr. D. Kidd

IN RE: ADJOURNMENT

Ms. Tucker move to adjourn until Wednesday, May 25, 2011 at 8:30 a.m., seconded by Mr. Campbell and approved with the following vote:

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

NAY: None

ABSENT: Mr. D. Kidd

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

David Proffitt, Acting County Administrator