

**BOOK 33****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 7<sup>th</sup> day of June, 2011 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

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

Mr. R. Curd led in invocation and pledge of allegiance.

**IN RE: CITIZEN COMMENTS**

Elizabeth Briggs – 233 Rock Hill Road, Madison Heights, VA 24572 – asking for Frank Campbell's resignation

Janice Camden and Helen Childress – cannot communicate with their representative.

**IN RE: APPROVAL OF AGENDA**

Under Department Reports add Public Works – Parks

After Social Services – add Treasurer – report on delinquent taxes.

After County Administrator – (a) Line of Duty – two (2) resolutions

After County Administrator – (e) Blue Ridge Railway Trail add f. Riveredge Park and g. County budget

After Appropriations/Transfers add closed session – Phelps Road School

Add under Parks & Recreation add c: Civil War Mobile Bus

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the agenda with the corrections added.

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 CONSIDERATION OF RECOMMENDATION BY COUNTY REDISTRICTING COMMITTEE**

The public hearing was open for public comment on the consideration of recommendation by county redistricting committee.

There were no speakers.

Public Hearing was closed.

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

**RESOLUTION, NO. 2011-0022-R**

A resolution, accepting the recommendation from the Amherst County Redistricting Committee, and directing that the boundaries for the County's electoral districts and precincts be left unchanged in their present form.

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Approved as to form by the County Attorney

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

**That the Amherst County Board of Supervisors accepts the recommendation of the Amherst County Redistricting Committee, and directs that the boundaries for the County's electoral districts and precincts be left unchanged in their present form, as follows:**

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

**WHEREAS**, the U. S. Census Bureau has completed the decennial census for 2010; and

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

**WHEREAS**, on March 15, 2011, the Amherst County Board of Supervisors adopted a resolution establishing the Amherst County Redistricting Committee ("Committee"); and

**WHEREAS**, Committee members include Claudia D. Tucker, Chair, Amherst County Board of Supervisors, Juanita D. Roberson, Supervisor (District 4), Ellen Bowyer, County Attorney, Jackie Viar, Director of Information Technology, Gary Beasley, County Registrar, Jeremy Bryant, Director of Planning/Zoning and Marvin Tyree, Amherst County Citizen; and

**WHEREAS**, the Committee has established a webpage on the County website, and has held three public meetings; and

**WHEREAS**, the County's population grew by 459 people (1.4 percent) from 2000 to 2010 such that the County now contains a total of 32,353 people; and

**WHEREAS**, all of the districts as currently drawn fall within the range for the appropriate district size required by law; and

**WHEREAS**, the structure of the County precincts accords with all applicable legal requirements and the County Registrar recommends that the precinct boundaries remain unchanged; and

**WHEREAS**, no citizens appeared before the Committee to offer any complaints or comments regarding the size or shape of any electoral district or precinct within the County; and

**WHEREAS**, the Committee at its last meeting on May 16, 2011, voted unanimously to recommend that the Amherst County Board of Supervisors leave the districts and precincts unchanged in their current form; and

**WHEREAS**, the Board on June 7, 2011, held a public hearing to obtain citizen comment on the Committee's recommendation.

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

That, the Board of Supervisors hereby accepts the recommendation of the Amherst County Redistricting Committee, and directs that the boundaries of the County's electoral districts and precincts shall remain unchanged in their present form.

**BE IT FURTHER RESOLVED:**

That the Board hereby extends its warmest thanks to the members of the Redistricting Committee for their work on the Committee.

Adopted this 7<sup>th</sup> day of June, 2011.

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

ATTEST:

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

**IN RE: WARNER REPRESENTATIVE – DREW DENSMORE**

Senator Warner's Representative Drew Densmore appeared before the Board and introduced himself and welcomed any questions or comments from the Board or the audience.

**IN RE: TRAIN DEPOT STATION – FRANK CAMPBELL**

At the previous meeting of the Board of Supervisors, Mr. Campbell suggested that he would like to do some research on this before be spent more money on an architect. He got in touch with DHR on what their guidelines are and was informed that they did not have guidelines to enforce the Department of Historical Resources' guidelines. He was told that they could adjust the guidelines. He questioned whether you have to have an architect draw up plans and what do they consider plans? He has a list of contractors with experience in this field. If the Board members have any questions he would try to answer them.

Ms. Roberson – what's the next step?

Mr. Campbell would want to be sure its feasible to complete. We could chop cost. He stated the Department of Interior has not received any plans at this time.

Mr. Kidd had missed the last meeting so was not sure what was going on. Ms. Tucker explained about Mr. Campbell researching contractors'

Mr. Curd – was there a time from the letter to Mr. Peake. He was informed that there was, August 1, 2011.

On motion of Ms. Tucker and with the following vote, the Board moved to have a work session on the train depot on Thursday, June 9, 2011 immediately following the session on interviews for interim county administrator.

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

NAY: None

ABSENT: None

**IN RE: VDOT – 6 YEAR SECONDARY SYSTEM CONSTRUCTION – RANDY HAMILTON**

Mr. Hamilton, VDOT representative, was presented to discuss the 6 year Secondary System Construction Plan for public hearing July 19, 2011.

**IN RE: CIVIL WAR 150<sup>TH</sup> ANNIVERSARY – MICHAEL ESPOSITO**

Mr. Esposito presented a power point presentation on work with the State Sesquicentennial Committee.

Members:

M. Esposito  
H. Mills

F. Loving  
L. Lenz

J. Bondurant  
J. Procto

S. Christian

Mr. Bondurant requested any funds left over in the Tourism Department budget to be saved for future Civil War 150<sup>th</sup> Anniversary projects.

**IN RE: SCHOOL BOARD – DR. BRIAN RATLIFF**

Dr. Ratliff appeared before the Board with discussion of school projects and budgeting.

**IN RE: MAY MINUTES**

On motion of Mr. Kidd and with the following vote, the Board approved the May 3, 2011 7:00 p.m. minutes, the May 16, 2011 – 7:00 p.m. minutes and the May 25, 2011 – 8:30 a.m. minutes.

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. Amherst County Sheriff's Office – Monthly report April 2011
- b. Brim Stewart Transportation Services, LLC
- c. Department of Historic Resources – Hanshill
- d. State Corporation Commission – Appalachian Power Company
- e. Robert E. Lee Soil and Water Conservation District – Annual Plan of Work
- f. Comcast letter of May 24, 2011
- g. VDOT Traffic Alerts – May 23-27, 30-June 3, June 6-10, 2011

Information only

**IN RE: PARKS, RECREATION AND CULTURAL DEVELOPMENT**

- a. 250<sup>th</sup> Birthday Festival and Budget

Ms. Christian asked that any remaining money left over be carried through to next year's 250<sup>th</sup> Birthday Festival.

**IN RE: PARKS, RECREATION AND CULTURAL DEVELOPMENT**

- a. County Park Signs

The Board directed Ms. Christian to prepare a plan by August 15 as to what's needed and where.

**IN RE: PUBLIC SAFETY**

- a. Staffing and future development

Mr. Roakes went over a 5 year plan.

Ms. Tucker – questions about funding of vehicles in county name.

Ms. Roberson said she would like to have a breakdown of funding.

Ms. Tucker – have the two been hired for Amherst? Yes

Mr. Kidd – If you get the five that you need, promoting from within and no new vehicles, will that be all.

Ms. Roberson – If 73% of all calls made by staff, what does this do to the volunteer reduction?

Ms. Tucker stated that she would like to hear from the volunteers.

Ms. Goodin from Amherst spoke and answered questions.

Ms. Tucker made the motion to appropriate funds sufficient to cover two new personnel, changing in 3 for BLS in Amherst and 3 in house positions.

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

NAY: Mr. R. Curd

ABSENT: None

Ms. Roberson made a motion for staff to look in budget and see what they could find to fund this.

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

NAY: None

ABSENT: None

**IN RE: RESOLUTION 2011-0013-R ESTABLISHING THE PARAMETERS TO GOVERN APPROPRIATION OF THE FY2012 EXPENDITURES BUDGETED BY THE COUNTY FOR CONTRIBUTIONS TO SUPPORT OPERATING AND CAPITAL COSTS OF VOLUNTEER FIRE AND RESCUE SERVICE ORGANIZATION**

The County Attorney presented the following resolution for the Board's deliberation.

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

**I. That the Amherst County Board of Supervisors ("Board") wishes to establish parameters to govern appropriation of the FY2012 expenditures budgeted by the County for contributions to support operating and capital costs of volunteer fire and rescue service organizations, as follows:**

**WHEREAS**, the Board has in the past adhered to a policy of budgeting County monies to support contributions to volunteer organizations providing fire and rescue services through line items denominated as contributions to individual organization, for specific purposes, and as "Capital Expenditures" under the Emergency Service Council; and

**WHEREAS**, under the Board's policy, the County Accounting Department issues a single payment to each volunteer organization for operating and capital costs; and

**WHEREAS**, the Board does not adhere to a similar policy of issuing a single payment of County-appropriated monies to any County department, agency, or Constitutional officer; and

**WHEREAS**, the County is seeking to maximize the effective use of limited County resources; and

**WHEREAS**, the Board has discussed with the Emergency Service Council changes in procedures by which County funding is allocated to support volunteer fire and rescue service organizations, and conditions that may be imposed on receipt of such funding; and

**WHEREAS**, although those changes and conditions have not been reduced to writing and agreed to by all concerned parties, the Board wishes to institute procedures that will give the County greater management oversight over fiscal year 2012 appropriations to support volunteer fire and rescue service organizations until such changes and conditions have been reduced to written agreements.

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

1. The Board will establish capital and operating budget expenditures for volunteer fire and rescue service organizations for fiscal year 2012, in accordance with the usual and standard budgeting practices employed for County agencies and departments.
2. The budget expenditures may be established as a single amount under the Emergency Service Council or may be identified within the County budget separately for each fire and rescue service organization **OR** will be placed within the budget for the Department of Public Safety.
3. The Board does not authorize the appropriation of FY2012 budget expenditures to the individual fire and rescue service organizations at the outset of the fiscal year. Instead, the expenditures shall be appropriated to each individual fire and rescue organization based on appropriation requests submitted to the Board **OR** based on funding requests to the Department of Public Safety.
4. Over the course of fiscal year 2012, the Board will communicate with the County Department of Public Safety, the Emergency Service Council, and the individual fire and rescue organizations as they establish agreements and other documents governing both the use of County resources and the contributions and commitments individual fire and rescue organizations are prepared to make.
5. In or before December 2011, the Board will afford the County Department of Public Safety, the Emergency Service Council, and the individual fire and rescue organizations the opportunity to appear before the Board to discuss the structure of the County's public safety network and how the Board can most effectively promote and support that network.

**BE IT FURTHER RESOLVED:**

That the Clerk of the Board of Supervisors is directed to supply a certified copy of this resolution to the County Department of Public Safety, the Emergency Service Council, and the County's individual fire and rescue service organizations.

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

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

**ATTEST:**

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David Proffitt, Clerk  
Amherst County Board of Supervisors

**IN RE: PUBLIC HEARING SCHOOL BOARD DISTRICT 2 AND 4**

A public hearing was held at 4:00 p.m. June 7, 2011 for public comment on the appointment to District 2 and 4. Ms. Gamble for District 2 was available and Ms. Tucker stated that she would abstain from voting on the appointment as she is related to Ms. Gamble. Ms. Liggon, District 4 was also available.

There were no citizen comments and the public hearing was closed. The Board of Supervisors will schedule appointments at the June 21, 2011 Board of Supervisors' meeting.

**IN RE: CURRENT JAIL USE PLANNING AFTER THE OPENING OF THE BLUE RIDGE REGIONAL USE**

The Sheriff was requesting authorization to proceed forward in soliciting an assessment from an engineering firm as to the feasibility and costs of converting the current Amherst Jail into usable administrative and operational training space. The current facility will be closing in less than seven months and a plan of action needs to be developed as to the use of the building. Utility items, such as capping plumbing to prevent odor and sanitary problems at the very least will need to be addressed.

The Board asked him to get cost of plan use of jail by June 21.

**IN RE: PUBLIC WORKS – PARK**

Ms. Nuckols was available asking for the following resolution to be approved.

Mr. R. Curd moved to approve the following resolution No. 2011-0024-R authorizing the County Sheriff and the Director of Public Works to proceed with work to restore County park facilities, and agrees to contribute \$50,000 to the effort.

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

NAY: None

ABSENT: None

**RESOLUTION, NO. 2011-0024-R**

Providing that the Amherst County Board of Supervisors authorizes the County Sheriff and the Director of Public Works to proceed with work to restore County park facilities, and agrees to contribute \$50,000 to the effort.

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Approved as to form by the County Attorney

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

**I. That the Amherst County Board of Supervisors ("Board of Supervisors") authorizes the County Sheriff ("Sheriff") and the Director of Public Works ("Director") to coordinate efforts directed towards restoration of County park facilities, and agrees to contribute \$50,000 to support those efforts, as follows:**

**WHEREAS**, the County of Amherst ("County") contains Coolwell Park, Monacan Park, Mill Creek Lake Park, Stonehouse Lake Park, and Thrashers Lake Park (collectively, "the Parks"); and

**WHEREAS**, the facilities in the Parks, including bathrooms and pavilions, are in many cases in a state of disrepair; and

**WHEREAS**, the Director presented information on the condition of the Park facilities to the Board at its May 3, 2011, regular meeting; and

**WHEREAS**, the Board agreed that the facilities must be improved and stated that fine revenue could be used to support such improvements; and

**WHEREAS**, the Sheriff is willing to partner with the Director in handling the restoration work, including supporting such work in part with funding from his Office's budget.

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

That the Board of Supervisors hereby authorizes the Director and Sheriff to undertake restoration work at the Parks including but not limited to: trim trees and brush and undertake other landscaping as needed; repair and repaint facilities; replace the composting toilet at Mill Creek Lake Park with a conventional toilet; install sensors to control bathroom lighting; convert the sidewalk at Coolwell Park from mulch to concrete; correct erosion and drainage problems at Coolwell Park; and undertake any other such tasks as the Director and Sheriff in their professional discretion deem necessary for completion of the restoration.

**BE IT FURTHER RESOLVED:**

That the Board of Supervisors hereby agrees to appropriate at least \$50,000 from its uncommitted fund balance to the Department of Public Works to support the work authorized by this Resolution 2011-0024. Any fine revenues received by the Board pursuant to the provisions of Resolution 2011-0012 shall be used to restore such funding to the uncommitted fund balance prior to being used for any other purpose. The Board of Supervisors recognizes that additional funding may be required, and is willing to consider requests for such additional funding.

**BE IT FURTHER RESOLVED:**

That the Director and the Sheriff shall report to the Board on the status of the work in the Parks when such work is approximately 50 percent complete, and upon completion.

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

Adopted this 7<sup>th</sup> day of June, 2011.



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Claudia Tucker, Chair  
Amherst County Board of Supervisors

ATTEST:

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

Mr. Campbell told the Sheriff that his crew as done a far better job than VDOT has ever done.

**IN RE: SOCIAL SERVICES**

Mr. Glen Sullivan, Director of Social Services, and Susan Mays presented the Social Services approved budget from the State and the accomplishments for 2010.

The operating budget request includes the following:

1. Zero local increase budget.
2. Abolish administrative support position.
3. Creating a half-time Benefit Program Services I position.
4. One-month employment overlap/training period for a social work position.
5. Adjustments to reflect anticipated revenues.
6. Virginia Retirement System rate changes.

Ms. J. Roberson moved to approve the Social Services' Budget as presented.

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

NAY: None

ABSENT: None

**IN RE: TREASURER – DELINQUENT TAXES**

Ms. Evelyn Martin, Treasurer, was present to discuss delinquent taxes.

**IN RE: FIRST READING ORDINANCE 2011-0004 AMENDING §§ 13-4 AND 13-10 OF THE COUNTY CODE**

The County Attorney presented the following ordinance as a first reading for the Board of Supervisors initial consideration and no action is required. The ordinance will before the Board for a public hearing on June 21, 2011.:

**AN ORDINANCE, NO. 2011-0004**

Decreasing the number of pounds of household waste that may be deposited at the landfill exempt from a disposal fee, establishing a definition for the term "household waste", authorizing the Director of Public Works to require documentation of persons seeking to deposit waste at the landfill, and making technical corrections and additions to related provisions of law.

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Approved as to form and legality by the County Attorney

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**FIRST READING: Board of Supervisors June 7, 2011**

**Amended June 7, 2011 (see page 5)**  
**PUBLIC HEARING: Board of Supervisors June 21, 2011**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Sections 13-4 and 13-10 of the Code of the County of Amherst be and hereby are amended, as follows:**

**Sec. 13-4. - Exemption from fees.**

~~(a) No landfill fee will be assessed any resident of the county for the deposit of two thousand (2,000) pounds of self-generated refuse deposited at the landfill during one (1) calendar month provided no other such loads have been deposited from other members of the resident's household during that month. Any loads exceeding two thousand (2,000) pounds in one (1) month from the same household will be subject to disposal fee. Residents will be held to the same payment criteria as commercial/industrial customers. Each County household is entitled to deposit into the landfill, exempt from a disposal fee, up to 1, 000 pounds of household waste each month. The exemption shall apply to the entire household, as determined by the physical address of the residence, not to the individual members of the household. The deposit of waste in excess of 1,000 pounds in a given month shall be subject to the applicable disposal fee. The Director of Public Works may in her sole discretion increase the amount of household waste exempt from a disposal fee for certain hardship cases, including, but not limited to, cases involving household waste from the estate of a deceased County resident.~~

~~(b) Residents will be allowed to dispose of~~ Each County household may deposit into the landfill (i) eight (8) off the rim or (ii) four (4) on the rim automobile tires a year at no charge, provided no other tires have been deposited from other members of the resident's household during the calendar year exempt from a disposal fee. The exemption shall apply to the entire household, as determined by the physical address of the residence, not to the individual members of the household. Such tires shall not be considered in the calculation of the 1,000 pound monthly limit established in subsection (a) of this section so long as they are separated from such household waste.

~~(c) Solid Disposal fees for solid waste transported to the landfill from county~~ County business and industry may receive a discount be discounted.

~~(d) Additionally, no landfill fee will be charged to any person for household waste~~ Waste collected from individual households or businesses on a contractual basis on behalf of the County of Amherst and Town of Amherst shall be exempt from disposal fees. For the purposes of this section, "household waste" shall include all waste collected by the house-to-house contractual service.

~~(e) No landfill disposal fee will~~ shall be charged to the County of Amherst or the Town of Amherst for waste generated by the operation of ~~the above governmental units~~ government services and operations. ~~This exemption shall not extend to waste generated by any commercial or nongovernmental activity.~~

~~(f) An exemption from disposal fees may be extended to county waste generated by County clean-up activities sponsored by nongovernmental groups and the Virginia Department of Transportation at the discretion of the board of supervisors~~ Director of Public Works.

~~(g) The Director of Public Works may require of persons seeking to deposit waste at the landfill such documentation as she deems necessary (i) to confirm the generation site for household waste or tires for which fee exemptions are sought, (ii) to confirm the identity of any person identified as an agent of another, and (iii) to fairly and effectively implement this section.~~

**Sec. 13-9. - Definitions.**

As used in this article the following terms shall have the meanings respectively ascribed to them, unless the context clearly indicates a different meaning:

*Applicant* shall mean any person applying for a license under the provisions of this article.

*Board or board of supervisors* shall mean the board of supervisors of the ~~county~~ County.

*Commingling of solid waste* shall mean inclusion, partially or in toto, of solid waste which was not collected from a residence, or other such location, in Amherst County with curbside solid waste collected pursuant to this article and to be disposed at the Amherst County Landfill.

*County* shall mean Amherst County, Virginia.

*County administrator* shall mean the ~~county~~ administrator of the ~~county~~ County.

*Curbside collection of solid waste* shall mean the pickup or collection for disposal of solid waste generated by or originating from a residence or small business at or near a roadway or alleyway for another person, for consideration, with such solid waste being placed in containers at such roadway or alleyway on a temporary basis for the purpose of such pickup or collection and which containers are capable of being carried, rolled or otherwise transported to and from such roadway or alleyway by a single human being.

*Director of ~~solid waste~~ Public Works* shall mean the ~~director of solid waste of the county~~ person having lead responsibility for managing the disposal of solid waste for the County.

*Disposal* shall mean the deposit, dumping or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

*Hazardous waste* shall mean those materials which, because of their inherent nature and/or quantities, require special handling during disposal to avoid creating environmental damage and/or hazards to public health and/or safety. Hazardous waste includes, but is not limited to, such items as petroleum wastes, paints, plastics, explosives, acids, caustics, chemicals, poisons, drugs, radioactive materials, pathogenic wastes from hospitals, sanitarium, nursing home, clinics, and veterinary hospitals, waste from slaughter houses, poultry processing plants, and the like, or any other waste deemed hazardous by Section C of the Resource Conservation and Recovery Act and/or by the Virginia Department of Environmental Quality.

*Household waste* shall mean waste generated within a residential household, except that household waste shall not include (i) building materials, including, but not limited to, shingles, vinyl siding, and demolition debris, (ii) residential yard waste – including, but not limited to, grass clippings and branches – which has not been mixed with other household waste and is otherwise qualified for deposit into the landfill either at a discounted fee or at no fee, (iii) electronics, (iv) motor oil and antifreeze, and (v) car batteries.

*License* shall mean a license issued under the provisions of this article.

*License holder* shall mean the person to which a license is issued and such license is not expired or revoked.

*Person* shall mean any natural person, corporation, partnership, association, firm, government, governmental entity, receiver, guardian trustee, executor, administrator, fiduciary, or entity of any kind.

*Service area* shall mean the entire county except the area thereof within the Town of Amherst.

*Solid waste* shall mean garbage, refuse, litter, junk and other discarded solid materials, including, but not limited to, solid waste materials resulting from household, industrial, commercial, or agriculture operations, community activities, yard wastes such as leaves, grass and shrubbery clippings, tree limbs and stumps, discarded organic materials, "garbage", "rubbish", "construction waste", or "debris waste", as such terms are defined in the Solid Waste Management Regulations of the Commonwealth of Virginia's Department of Environmental Quality, and any other materials defined or treated as solid waste under any federal, state or local, law, rule, regulation or ordinance; provided, however, that solid waste shall not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows, or other common water pollutants.

*Vehicle* shall mean every device capable of being moved upon a public highway and in, upon or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively for agricultural purposes and not licensed pursuant to state law which is not operated on any public highway for purposes other than crossing such public highway, or along such highway for a distance of no more than thirty (30) miles between two (2) tracts of the owner's land.

**§2. That this ordinance shall be in force and effect upon passage.**

Adopted this 21st day of June, 2011.

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

**ATTEST:**

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Clerk, Amherst County Board of Supervisors

**IN RE: LINE OF DUTY – RESOLUTION NO. 2011-0023-R**

At the May 17, 2011 Board meeting, the information and recommendation was presented for the provision of Line-Of-Duty insurance coverage. The Board directed the County Attorney to provide the associated resolution and member agreement document at the June 7, 2011 meeting.

Ms. J. Roberson moved approval of the following Resolution 2011-0023-R effective June 30, 2011 to opt out of the Line of Duty Act Fund for payment of liabilities prescribed by and administered under the Line of Duty Act § 9.1-400 et seq. of the Code of Virginia and to self fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011 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

**RESOLUTION, NO. 2011-0023-R**

Providing that the Amherst County Board of Supervisors agrees, effective June 30, 2011, to opt out of the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia, and to self fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011.

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Approved as to form by the County Attorney

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

**I. That the Amherst County Board of Supervisors ("Board of Supervisors") chooses to opt out of the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 *et seq.* of the Code of Virginia, as follows:**

**WHEREAS**, the Commonwealth of Virginia has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 *et seq.* of the Code of Virginia; and

**WHEREAS**, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act from the State to local government entities through Item 258 of the 2011 Budget Bill; and

**WHEREAS**, the County of Amherst is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to self fund its obligations under the Line of Duty Act; and

**WHEREAS**, the County of Amherst desires to opt out of the Line of Duty Act Fund and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act.

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

That the Amherst County Board of Supervisors hereby agrees to opt out of the Line of Duty Act Fund effective June 30, 2011, and self fund all liabilities relating to its past and present covered employees under the Line of Duty Act effective July 1, 2011.

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

Adopted this 7<sup>th</sup> day of June, 2011.

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Claudia Tucker, Chair  
Amherst County Board of Supervisors

ATTEST:

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

**IN RE: RESOLUTION NO. 2011-A-0003-R TO ADOPT THE MEMBER AGREEMENT TO JOIN THE VIRGINIA ASSOCIATION OF COUNTIES GROUP SELF INSURANCE RISK POOL**

Mr. Curd moved to adopt Resolution No. 2011-A-0003-R the member agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool 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

**A RESOLUTION, NO. 2011-A-0003-R**

A resolution, to adopt the Member Agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool.

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 Approved as to form by the County Attorney  
 \_\_\_\_\_

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

**I. That the Amherst County Board of Supervisors adopts the Member Agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool, as follows:**

**WHEREAS**, the Amherst County Board of Supervisors desires to protect against liability and workers' compensation claims and property losses and to provide for payment of claims or losses for which the Board of Supervisors may be liable; and

**WHEREAS**, the Virginia Association of Counties Group Self Insurance Risk Pool, *aka* VACoRP, has been established pursuant to Chapter 27 (§ 15.2-2700 *et seq.*) of Title 15.2 of the Code of Virginia; and

**WHEREAS**, it is desirable for the Amherst County Board of Supervisors to join the Virginia Association of Counties Group Self Insurance Risk Pool in order to provide a method of risk sharing for liability and workers' compensation claims and property losses.

**NOW, THEREFORE, BE IT RESOLVED BY THE AMHERST COUNTY BOARD OF SUPERVISORS**, That the Amherst County Board of Supervisors hereby (i) agrees to the Member Agreement entitled "Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool" which creates a group fund to pay liability and workers' compensation claims and property losses of the counties and other local agencies joining the Group, and (ii) acknowledges that it has received a copy of the pertinent Plan and supporting documents.

**BE IT FURTHER RESOLVED:**

That Claudia Tucker, Chair, Amherst County Board of Supervisors, is authorized to execute the Member Agreement to join the Virginia Association of Counties Group Self Insurance Risk Pool and to act on behalf of Amherst County Service Authority Board in any other matter relative to the Group.

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

Adopted this 7<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
 Claudia D. Tucker, Chair  
 Amherst County Board of Supervisors

ATTEST:

\_\_\_\_\_  
 David Proffitt  
 Acting County Administrator

**IN RE: HEATING, VENTILATION AND AIR CONDITIONING SERVICES**

The combined schools/county contract agreement for Heating, Ventilation and Air Conditioning Services expires June 30<sup>th</sup>. A committee consisting of the School Maintenance Director, Co-Maintenance Managers for the County, Consultant John Owen and myself began updating contract requirements and document development for this procurement process in February. A Request for Proposals has been advertised, three proposals received and firms interviewed. This procurement is primarily for a school contract of which the County is a participant. A copy of the evaluation committee's recommendation for award is attached.

The County's portion of this proposed award is an annual amount of \$59,267 which is approximately \$20,000 less than the next lowest proposed cost.

The County's contracted maintenance cost for the past three (3) years has been \$56,207. This amount includes CVCC and the Animal Shelter. The CVCC cost is calculated into the lease arrangement and a portion of the Animal Shelter pro-rated to the Humane Society. Any additional increase can be paid for by transfers between funds already budgeted.

The evaluation committee recommends contract award to Southern Air, Inc. for annual contract costs of: Schools \$264,275; County \$59,267; combined \$323,542.

It is anticipated that the recommendation to the School Board will be accepted. If so, this request is for approval of the County's participation in this agreement upon review and approval of contract form by the County Attorney.

Ms. Roberson moved approval of the request contingent upon School Board approval and the County Attorney.

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

NAY: None

ABSENT: Mr. C. Tucker

#### **IN RE: HEALTH DEPARTMENT AGREEMENT**

A proposed amended agreement document for the Health Department has been received. The Current agreement is for an annual amount of \$231,493 which is being amended to an amount of \$212,099.

Mr. Proffitt was asking for authorization to sign the amended agreement.

Mr. F. Campbell made the motion authorizing the Acting County Administrator to sign the amended agreement with the Health Department.

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

NAY: None

ABSENT: Mr. C. Tucker

#### **COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

#### **AMENDMENT**

This Amendment to the Statement of Agreement between the Virginia Department of Health and the Board of Supervisors of Amherst County dated March 17, 2009, for the term beginning July 1, 2008 is executed to be effective July 1, 2010 when signed by both parties. Under the Statement of Agreement funding allocation changes from year to year shall be made in written amendment to the original Statement of Agreement. As such, this Amendment includes changes for Fiscal Year 201-02011, beginning July 1, 2010.

**The parties therefore agree as follows:**

Under this Agreement, which is created in satisfaction of the requirements of Section 32.1-31 of the Code of Virginia (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$318,096 from the state general fund in accordance with appropriations by the General Assembly, and in like time frame, the Board of Supervisors will provide by appropriation and in equal quarterly payments a sum of \$212,099 to include \$212,099 as local match and \$0.00 to be used in the support of local activities.

Except as explicitly hereby amended, the Statement of Agreement dated March 17, 2009 shall remain in full force and effect, and all Covenants and Agreements contained therein on the part of the Virginia Department of Health and the Board of Supervisors shall be kept and performed.

In witness whereof, the parties have executed this Amendment by the signatures affixed below.

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**State Health Commissioner**


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**Local Authorizing Officer**


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**Title**


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**Date**


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**Date**
**IN RE: COUNTY FLAGS**

Amherst County flags were designed and ordered in February 2005. A 5' x 8' flag has been flown at the Courthouse since that time. The Board ordered 25 ea. 3' x 5' flags at the same time to be used as recognition awards to various organizations. There are still 12-15 3' x 5' county flags in the County Administration Office. I would suspect that they do not have an indefinite shelf life for suitability as recognition gifts. A county citizen recently asked if they could purchase a flag. The 3' x 5' flags cost \$49.00 ea.

Mr. Proffitt was requesting authorization to make the remaining county flags to be available for sale to the public for a cost of \$49.00 ea.

Mr. Curd moved that the Board authorize the County Purchasing Agent to make these flags available for sale for \$49.00 ea.

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

NAY: None

ABSENT: Ms. C. Tucker

**IN RE: BLUE RIDGE RAILWAY TRAIL**

Mr. Proffitt was before the Board to request opening of the Blue Ridge Railway Trail. It has been completed and needs to be opened to the public. This had been discussed earlier with Mr. Campbell requiring about the safety and law enforcement. Teresa and Gary had been with David on the trail and Mr. Roakes reported that he did not see anything hindering the opened. He did say that there should be something showing whether you were in Amherst County or Nelson County.

Ms. Roberson moved to direct the County Attorney to prepare a resolution on opening the trail.

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

NAY: None

ABSENT: Ms. C. Tucker



**IN RE: COUNTY BUDGET**

The County Budget should be on the web page by Friday and early July the adopted budget for county and school will be on the web site.

Ms. Roberson asked if Brenda would be at the June 21, Board meeting. David informed her that she would be.

**IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – RIVEREDGE PARK**

Mr. Proffitt just wanted the Board to be aware that VDOT wants a decision as to whether or not they wish to proceed with this project. He plans on putting it on the agenda for June 21, 2011.

**IN RE: REPORT ON FOIA COMPLIANCE**

Mr. Kidd moved to direct the County Attorney to report on a FOIA request for May 9, 2011 and on the guidance she proposes.

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

NAY: None

ABSENT: Ms. C. Tucker

Ms. Bowyer said she had been asked by 2 board members for guidance in the situation and she did not think it was understood.

She will be sending out a memorandum with some information on FOIA and also there are some sensitive areas with email that she wanted to go over with the Board.

**IN RE: WORK SESSIONS**

Ms. Bowyer discussed the possible changes to the Board's procedures relating to the chain and structure. One such change would be having a work session before each meeting to go over the agenda with no action taken just to discuss the agenda. She intends to put this on an agenda in the future.

Ms. Roberson thinks that time needs to be set for presentation.

**IN RE: RADIO COOPERATIVE AGREEMENT**

Ms. Bowyer had been to a meeting on the radio system upgrade. The consultants looked at the system, checked the coverage, structures & towers in preparation for issuance of a RFP. They are ready for a RFP. The agreement is the driving force of the radio system. Ms. Bowyer is working on comments she will bring back to the board at a later meeting regarding the agreement. This is going to be a massive upgrade.

**IN RE: PAYMENT OF INVOICE**

Ms. Bowyer was requesting payment of invoice dated May 18, 2011, from Troutman Sanders LLP for legal services relating to bond counsel in the amount of \$385.00, and instructing that payment be made immediately from line 011010-3020, Legal Services, in the budget for the Amherst County Board of Supervisors.

Mr. R. Curd moved that the Amherst County Board of Supervisors approves payment of the invoice dated May 18, 2011 from Troutman Sanders, LLP for legal services relating to bond counsel, in the amount of \$385.00, and instructs the payment be made immediately from line 011010-3020, Legal Services, in the budget for the Amherst County Board of Supervisors.

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

**IN RE: APPROPRIATIONS/TRANSFERS**

Mr. D. Kidd moved the Board of Supervisors approve the following appropriations and/or transfers:

**a. APPROPRIATIONS**

**BOARD OF SUPERVISORS**

35990 5604 Humane Society Animal Friendly license \$ 656.39  
 (Revenue received from the Dept of Motor Vehicles as share of Animal Friendly License  
 Plate sales to be used in supporting sterilization program for dogs and cats in county)

**SHERIFF'S DEPARTMENT**

31020 5804-100	Inmate Work Force	\$ 192.99
30120 7001-100	K-9	\$ 2,050.00
31020 7005	Vehicle	\$ 6,050.00
(Appropriation from fine revenue money)		
31020 1002	Overtime Comp	\$ 100.00
31020 5401	Office Supplies	\$ 31.48
31020 5409	Police Supplies	\$ 351.00
31020 5504	Travel – Education	\$ 261.90
31020 7001-100	K-9	\$ 7,950.00
(Pass through revenue deposited with Treasurer)		

**b. TRANSFERS**

**BUILDING SAFETY AND INSPECTIONS**

Transfer from:

34010 5401	Office Supplies	\$ 127.00
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Transfer to:

34010 5411	Code Books	\$ 127.00
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(This is for needed Code Books to get us by until he can order a full set in July.)

**J & D COURT**

Transfer from:

21050 5504	Travel	\$ 119.75
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Transfer to:

21050 5401	Office supplies	\$ 119.75
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**PLANNING/ZONING**

Transfer from:

**1067**

81040	5504	Travel, Education	\$ 800.00
81010	5408	Gasoline, Oil & Grease	\$ 300.00
81020	5504	Travel, Education	\$ 480.00

Transfer to:

81010	5401	Office Supplies	\$ 800.00
81010	5203	Telecommunications	\$ 300.00
81010	3007	Advertising	\$ 480.00

(1. Ink cartridges for color printer and end of the year supplies.)

(2. To cover a shortfall in funding for the telecommunications line.)

(3. Public hearing signs.)

**SHERIFF'S DEPARTMENT**

TRANSFER FROM:

31020	3005	Maint SVC	\$ 931.00
31020	5409	Supplies	\$10,000.00
33010	5402	Food	\$10,250.00

TRANSFER TO:

31020	5101	Electrical SVC	\$ 2,700.00
31020	5203	Telephone	\$ 5,000.00
31020	5449	Tires	\$ 2,655.00
31020	5504	Travel – Education	\$ 420.00
31020	3001=400	Vet	\$ 156.00

(To cover expenses)

33010	3001	Doctor	\$ 7,000.00
33010	5405	Cleaning Supplies	\$ 3,000.00
33010	5416	Physical Exams	\$ 250.00

(To cover expenses)

**DOG WARDEN**

TRANSFER FROM:

35010	5408	Gas	\$ 1,435.00
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TRANSFER TO:

35010	3007	Advertisement	\$ 246.00
35010	3001	Rabies	\$ 1,114.00
35010	5416	Physical Exam	\$ 75.00

(To cover expenses)

**AMHERST COUNTY PUBLIC LIBRARY**

TRANSFER FROM:

73010	7002	Furniture & Fixture	\$ 500.00
73010	7001	Equipment	\$ 3,242.71
73010	5504	Travel-Education	\$ 1,000.00
73010	3006	Maint. SVC Contracts- Equip	\$ 1,930.00

73010	5401	Office Supplies	\$ 1,000.00
73010	3010	Repairs & Maint. Furn. & Equip	\$ 400.00
73010	3006	Maint. SVC Contracts – Equip	\$ 2,000.00
73010	3004	Repairs & Maintenance	\$ 300.00
73010	5804	Other Operating Costs	\$ 34.00

## TRANSFER TO:

73010	5102	Water & Sewer	\$ 500.00
73010	3002	Professional Services	\$ 6,172.71
73010	5101	Electrical Services	\$ 1,300.00
73010	5413	Computer Supplies & Software	\$ 434.00
73010	5203	Telecommunications	\$ 2,000.00
(To cover shortfalls in the library budget)			

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

NAY: None

ABSENT: Ms. C. Tucker

**IN RE: CITIZEN COMMENTS**

None

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

Ms. J. Roberson – (1) Concern with investment of county funds

(2) Living quarters for interim county administrator – Mr. Campbell as suggested the rectory across the street. She had asked David and he reported that it needed some work. She suggested the Sheriff's crew could do the work.

Mr. R. Curd – nothing except following through with Gary and taking the resolutions back to the council.

Mr. D. Kidd – (1) Discuss of Board of Supervisors Retreat

(2) EDA – He talked with the Associate Economic Director for Virginia Tech. He is willing to attend a Board meeting or EDA meeting but Mr. Kidd preferred the Board of Supervisors. He wanted to know what the Board's pleasure would be.

Mr. Campbell – None

**IN RE: CLOSED SESSION**

Mr. R. 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 Phelps Road School, 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: Mr. F. Campbell, Mr. R. Curd, Mr. D. Kidd and Ms. J. Roberson

NAY: None

ABSENT: Ms. C. Tucker

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

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

NAY: None

ABSENT: Ms. C. Tucker

#### **CERTIFICATION OF CLOSED MEETING**

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

#### **IN RE: ADJOURNMENT**

On motion of Mr. Kidd, seconded by Mr. Curd and with the following vote, the Board moved to adjourn.

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

NAY: None

ABSENT: Ms. C. Tucker

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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors

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David Proffitt, Acting County Administrator