

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration Building thereof on Tuesday, the 16th day of August 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. D. Kidd | | |
| | Ms. J. Roberson | | |
| | Mr. R. Curd | | |

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

Bruce Connor, 671 N. Coolwell Road – has dirty water problem. Ms. C. Tucker requested that he provide his contact information to the Assistant County Administrator so that it could be researched.

Les Irvin, 210 Hans Hill Drive – open communications with citizens, county's financial situation, citizens deserve good government, keep citizens informed.

John A. Marks, Jr., 225 Clark Street – Return on County Funds and delinquent real estate taxes

Martha Bryant, 5675 Lexington Turnpike – CVTC, Governor toured facilities

Leon Parrish, 200 Ninth Street – CDBG Grant, Riveredge Park and Phelps Road School. Invited members of the Board to meet with neighborhood watch group

Consuelo Penn Tabb, 175 Penn Lane – Problem with Zoning for shooting in her area, this has been pending for over a year and nothing has been done. Ms. C. Tucker requested that she provide her contact information to the Assistant County Administrator so that it could be researched.

IN RE: APPROVAL OF AGENDA

Ms. E. Bowyer requested that item c, under County Attorney be deleted and add closed session after Citizen Comments at the bottom. Mr. R. Curd requested that Special Presentation – Ernie Cash, Monelison Fire Chief, be added after the Public Hearing.

Mr. F. Campbell moved approval of the agenda with the changes requested.

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

NAY: None

ABSENT: None

AGENDA

**TUESDAY, AUGUST 16, 2011
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM**

7:00 P.M. - REGULAR BOARD OF SUPERVISORS MEETING

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Citizen Comments**
- IV. Approval of Agenda**
- V. Public Hearing**
 - a. Proposed Region 2000 Water Supply Plan
- VI. Special Presentation**
 - a. **Ernie Cash, Monelison Fire Chief – Volunteer Incentives**
- VII. Consent Agenda**
 - a. Planning Commission District 5 Opening
 - b. VDOT Resolution
- VIII. County Administrator**
 - a. Business Task Force Appointments
 - b. Jail Feasibility Study
- IX. County Attorney**
 - a. Resolution 2011-0032-R: Zoning Ordinance Amendment Process
 - b. Resolution 2011-0034-R: County Communications Strategy
 - ~~c. Status of Radio Board Agreement~~
 - d. Status of County Bonds
 - e. Correction of Statement
- X. Appropriation/Transfers/Disbursements**
- XI. Department Reports**
 - a. Building Department Monthly Report for July 2011
 - b. Planning and Zoning Monthly Report for July 2011
- XII. Citizen Comments**
- XIII. Closed Session**
- XIV. Matters from Members of the Board of Supervisors**
- XV. Adjourn**

IN RE: PUBLIC HEARING- PROPOSED REGION 2000 WATER SUPPLY PLAN

Mr. Bob White, Deputy Director for Region 2000 Local Government Council and Mr. Dan French, Amherst County Service Authority addressed the Board and answered questions. Mr. D. French stated by adopting the Resolution the Board would still preserve the Amherst County's authority. Ms. E. Bowyer addressed the Board and answered Board member's questions.

Ms. C. Tucker called the Public Hearing to order.

There were no speakers and the Public Hearing was closed.

On motion of Mr. R. Curd and with the following vote, the Board adopted Resolution 2011-0033-R.

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

NAY: None

ABSENT: None

For consideration on August 16, 2011

A RESOLUTION, NO. 2011-0033-R

A resolution, adopting the Region 2000 Regional Water Supply Plan

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 adopts the Region 2000 Water Supply Plan as follows:

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities, and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, the County of Amherst (hereafter "County") is a participant in the Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on August 16, 2011, the Amherst County Board of Supervisors (hereafter, "Board") held a public hearing consistent with the requirements of Virginia Code § 15.2-1427 to accept public comment on the Regional Water Supply Plan (hereafter, "Plan"); and

WHEREAS, the adopted Plan will be submitted to DEQ on or before November 2, 2011.

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

That the Board hereby adopts the Plan as it pertains to the County.

BE IT FURTHER RESOLVED:

That the Board's adoption of the Plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the Plan as they pertain to other localities.

BE IT FURTHER RESOLVED:

That the County subsequent to adoption of this Resolution No. 2011-0033-R: may comment on specific water supply alternatives identified in the Plan for the County and for other local governments; may amend the alternatives the Plan identifies for the County, including the highest rated alternative to supply the future needs of Amherst County; and may identify or develop additional alternatives to address the County's water supply needs, which additional alternatives may be added to the Plan.

BE IT FURTHER RESOLVED:

That the Board understands that the Plan is to be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with Virginia regulations.

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

Adopted this 16th day of August, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Steve Crosby, Clerk
Amherst County Board of Supervisors

IN RE: ERNIE CASH, MONELISON FIRE CHIEF

Mr. E. Cash presented information to the Board regarding volunteer program to recruit and retain volunteer fire and rescue members.

IN RE: PLANNING COMMISSION DISTRICT 5 OPENING

On motion of Mr. F. Campbell and with the following vote, the Board reappointed Bev Jones to the Planning Commission for District 5.

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

IN RE: VDOT RESOLUTION

On motion of Mr. F. Campbell and with the following vote, the Board adopted Resolution 2011-0035-R.

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

For consideration on August 16, 2011

A RESOLUTION, NO. 2011-0035-R

A resolution, by the Amherst County Board of Supervisors, adopting the Secondary Six-Year Road Plan covering the period 2012 through 2017, and a Construction Priority List covering the period 2011-2012.

Approved as to form by the County Attorney

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

I. That the Amherst County Board of Supervisors hereby adopts the Virginia Department of Transportation's Secondary Six-Year Road Plan covering the period 2012 through

2017, and the Construction Priority List covering the period 2011-2012, both as prepared for Amherst County, as follows:

WHEREAS, Virginia Code § 33.1-70.01 provides that “[t]he governing body of each county in the secondary system may, jointly with the representatives of the Department of Transportation as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary highway system in that county”; and

WHEREAS, Virginia Code § 33.1-70.01 further provides that following a public hearing on the plan, “the governing body, together with the representative of the Department of Transportation, shall finalize and officially adopt the six-year plan which shall then be considered the official plan of the county”; and

WHEREAS, this Board previously has assisted in preparation of the Secondary Six-Year Road Plan covering the period 2012 through 2017 (hereafter, “Plan”), as well as a Construction Priority List covering the period 2011-2012 (hereafter, “Priority List”); and

WHEREAS, the Board held a public hearing on the same on July 19, 2011, after providing public notice pursuant to Virginia Code § 33.1-70.01; and

WHEREAS, all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Randy L. Hamilton, Director of Programming and Investment Management, Virginia Department of Transportation, appeared before the Board and recommended approval of the Plan and the Priority List for Amherst County.

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

As the Plan and Priority List appear to be in the best interests of the secondary road system in Amherst County and of the citizens utilizing that secondary system, the Board of Supervisors approves such Plan and Priority List as presented at the public hearing, and adopts the same as the official plan of Amherst County.

II. That this resolution shall be in force and effect upon passage.
Adopted this 16th day of August, 2011

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Steve Crosby, Clerk
Amherst County Board of Supervisors

IN RE: BUSINESS TASK FORCE APPOINTMENTS

Ms. C. Tucker nominated John Turner, Mr. D. Kidd nominated Sam DeLaura, Mr. F. Campbell nominated Bonnie Limbrick, Ms. J. Roberson nominated Ronald Smith and Mr. R. Curd nominated Calvin Kennon, Jr.

IN RE: JAIL FEASIBILITY STUDY

Mr. D. Proffitt and Sheriff Ayers addressed the Board regarding the study and answered questions.

On motion of Ms. C. Tucker and with the following vote, the Board directed the Interim County Administrator and Assistant County Administrator to move forward with the Wiley/Wilson feasibility study.

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

NAY: None

ABSENT: None

IN RE: SHERIFF'S DEPARTMENT

Sheriff Ayers presented the Board with the National Law Enforcement Challenge Program. He informed them that for the second year the Sheriff's Department had participated in the program and that this year they had taken second out of the state as well as second out of the nation. The Sheriff's Department will be traveling in October to Chicago to receive their National Award.

IN RE: BUSINESS TASK FORCE APPOINTMENTS

Ms. E. Bowyer informed the Board that this required a vote.

On motion of Mr. F. Campbell and with the following vote, the Board appointed John Turner, Sam DeLaura, Bonnie Limbrick, Ronald Smith and Calvin Kennon, Jr. to the Business Task Force Committee.

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

NAY: None

ABSENT: None

IN RE: RESOLUTION 2011-0032-R: ZONING ORDINANCE AMENDMENT PROCESS

Ms. E. Bowyer presented Resolution 2011-0032-R to the Board.

On motion of Ms. C. Tucker and with the following vote, the Board adopted Resolution 2011-0032-R.

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

NAY: None

ABSENT: None

For consideration on August 16, 2011

A RESOLUTION, NO. 2011-0032-R

A resolution, to modify the process by which amendments to Appendix A to the County Code, relating to zoning and subdivisions, are prepared.

Approved as to form by the County Attorney

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

I. That the process by which amendments to Appendix A to the County Code, relating to zoning and subdivisions, are prepared is revised, as follows:

WHEREAS, the County Zoning ordinance contains two sections, § 410, *Uses not delineated in this ordinance* and § 1004 *Procedure for requesting a zoning amendment* that provide general guidance regarding amendments to the County Zoning ordinance; and

WHEREAS, on January 6, 2009, the Amherst County Board of Supervisors approved a resolution detailing the process of amending the County Zoning ordinance; however, that process does not describe in detail preparation of the ordinances necessary to amend the zoning provisions in County Code; and

WHEREAS, in light of recent events surrounding the development of the agricultural district ordinance and the urban development area ordinance, the County Attorney has concluded that the process of preparing zoning ordinances should be described in greater detail; and

WHEREAS, the Board believes that County residents and other directly affected by the County Code should be afforded a full opportunity to propose amendments to the Code to resolve gaps in the Code, outdated or inaccurate language, inconsistencies, or other deficiencies in the Code.

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

That the Board of Supervisors hereby establishes the following revised process for amending the County Zoning ordinance:

1. The Planning and Zoning Director may submit written descriptions of up to three proposed planning and zoning ordinances to the County Attorney in January and in July of each year, for a total of six proposed ordinances annually.
2. The County Attorney shall review the descriptions and advise as to whether the proposed ordinances require changes to the zoning ordinance or whether they can be accomplished administratively.
3. The Planning and Zoning Director will work with the Planning Commission and interested citizens or others to prepare for each of the proposed ordinances a draft of the proposed text for the ordinance. The text shall be referred to as "proposed text for the ordinance". The proposed text for the ordinance shall be provided to the County Attorney in paper and electronic form upon completion.
4. The County Attorney shall draft an ordinance, using the proposed text for the ordinance to the extent necessary and useful.
5. The County Attorney shall meet with the Planning Commission to review the draft ordinance and address any questions.
6. The County Attorney shall revise the ordinance as necessary and put it before the Board of Supervisors for a first reading.
7. If approved by the Board of Supervisors on first reading, the ordinance shall be placed before the Planning Commission for a public hearing.
8. The ordinance then shall be placed before the Board for a public hearing, at which hearing any changes proposed by the Planning Commission can be accepted or rejected. If adopted by the Board, the ordinance shall be codified in County Code.
9. The County Attorney shall retain the discretion to undertake preparation of more than six zoning ordinances annually.

BE IT FURTHER RESOLVED:

That the Board of Supervisors recommends that the Planning Commission consider whether the \$300.00 fee now required of persons seeking amendments to the zoning ordinance other than special exceptions or variances should be abolished.

BE IT FURTHER RESOLVED:

That the Board of Supervisors directs the Interim County Administrator to authorize the Planning Director to prepare any materials necessary to communicate the process for amending Appendix A of the County Code to County citizens and other interested persons.

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

Adopted this 16th day of August, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Steve Crosby, Clerk
Amherst County Board of Supervisors

IN RE: RESOLUTION 2011-0034-R: COUNTY COMMUNICATIONS STRATEGY

Ms. E. Bowyer presented Resolution 2011-0034-R to the Board.

On motion of Mr. D. Kidd and with the following vote, the Board adopted Resolution 2011-0034-R, directing the Interim County Administrator to explore development of a communications strategy that will facilitate access to information about County developments, initiatives, and projects, and to explore institution of a citizens' academy to increase understanding of County operations and Board decision-making processes.

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

NAY: None

ABSENT: None

For consideration on August 16, 2011

A RESOLUTION, NO. 2011-0034-R

A resolution, to direct the Interim County Administrator to explore development of a communications strategy that will facilitate access to information about County developments, initiatives, and projects, and to explore institution of a citizens' academy to increase understanding of County operations and Board decision-making processes.

Approved as to form by the County Attorney

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

I. That the Board of Supervisors hereby directs the Interim County Administrator to explore development of a communications strategy that will help ensure timely dissemination of information on County developments, initiatives, and projects, and to explore institution of a citizens academy, as follows:

WHEREAS, the County in the past year has examined and discussed a number of significant projects, including restoration of the Amherst train depot, development of Riveredge Park, and infrastructure improvements in the Old Town Madison Heights neighborhood; and

WHEREAS, while the County maintains a website, the County does not now have in place a strategy for actively sharing information on County developments, initiatives, and projects; and

WHEREAS, the Board believes that to the extent County citizens are knowledgeable of County operations and Board processes, they can provide comments, suggestions, and recommendations to assist the Board's deliberations; and

WHEREAS, for all these reasons, the Board wishes to explore strategies to enhance dissemination of information on County developments, initiatives, and projects, and to increase citizens' knowledge of County operations and Board processes.

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

That the Board directs the Interim County Administrator to explore development of a communications strategy that can help ensure timely dissemination of information on County developments, initiatives, and projects.

BE IT FURTHER RESOLVED:

That the Board directs the County Administrator to explore institution of a citizens' academy through which the County could offer work sessions and public meetings designed to help County citizens and others learn how the County operates on a daily basis, and about the decision-making processes underlying action by the Board of Supervisors.

II. This resolution shall be in force and effect upon passage.

Adopted this 16th day of August, 2011.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Steve Crosby, Clerk
Interim Deputy County Administrator

IN RE: STATUS OF COUNTY BONDS

Ms. E. Bowyer informed the Board that she had been in contact with Steve Johnson, Bond Counsel, and that he has initiated contact with BB&T.

IN RE: CORRECTION OF STATEMENT

Ms. E. Bowyer stated that at the Board meeting of August 2, 2011, she had stated that Amherst County Combined Emergency Services (ACCESS) Program was not an insurance program and she wanted to clarify this statement by stating that she understands that under the ACCESS program, County citizens may choose to pay an annual fee of \$75.00; in return, for the course of a County fiscal year, the citizen will not be required to pay any difference between the cost of an ambulance transport and the amount an insurance company or Medicare reimburses for that transport. While the ACCESS program is not technically a health insurance program, it certainly is *akin* to a health insurance program in that one is paying a set cost in advance to insure against the possibility of higher costs in the future.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

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

NAY: None

ABSENT: None

**COUNTY OF AMHERST
APPROPRIATION/TRANSFER REQUEST FORM
August 16, 2011**

The following requests for appropriations, transfers or disbursements have been received:

Appropriations:

| Department | Dept Number | Line # | Description | Amount | |
|---|-------------|--------|--------------------------|--------------|-------------------|
| Solid Waste | 42080 | 3023 | Environmental Monitoring | \$9,910.00 | |
| Insurance Claim for damage substained at the active landfill was received and deposited with Treasurer's Office. This is to request an appropriation of funds which were deposited into the Solid Waste Account on June 15, 2011. Repair work started after July 1, 2011. | | | | TOTAL | \$9,910.00 |

| Department | Dept Number | Line # | Description | Amount | |
|---|-------------|----------|------------------|--------------|-----------------|
| Sheriff | 31020 | 3004-100 | Auto Ins Repairs | \$250.00 | |
| To appropriate insurance claim for damages to vehicle | | | | TOTAL | \$250.00 |

| Department | Dept Number | Line # | Description | Amount | |
|---|-------------|--------|----------------------------------|--------------|--------------------|
| Building Safety & Inspections | 34010 | 5805 | Enforcement of County Ordinances | \$27,572.30 | |
| To bring forward funds appropriated in 2011 for the Enforcement of County Ordinances to FY 2012 | | | | TOTAL | \$27,572.30 |

| Department | Dept Number | Line # | Description | Amount |
|------------|-------------|--------|------------------|----------|
| Purchasing | 12170 | 5504 | Travel-Education | \$250.00 |

| | | |
|---|--------------|-----------------|
| David Proffitt to go to Underground Storage Tank Operator Training Class A & B. Funds from the Warehouse Fund | TOTAL | \$250.00 |
|---|--------------|-----------------|

IN RE: DEPARTMENT REPORTS

The Board reviewed the Department Reports.

IN RE: CITIZEN COMMENTS

The Chair asked for citizen comments. There were none.

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 the radio communications agreement, which matters require the provision of legal advice by legal counsel.

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

NAY: None

ABSENT: None

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

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

NAY: None

ABSENT: None

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 | AYE |
| Ms. J. Roberson | AYE |

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Ms. C. Tucker - requested Interim County Administrator send letter to appropriate state officials requesting reimbursement of locality "Aid to Commonwealth", as the state has declared budget surplus.

Ms. J. Roberson moved that Interim County Administrator investigate alternative meeting places for regular Board of Supervisors meeting and report to them.

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

NAY: None

ABSENT: None

Mr. R. Curd – wishes to recognize achievements and benefits to County of Amherst Dixie Youth World Series and recent achievements of the Sheriff's Department.

Mr. D. Kidd – Discussed plans for public reporting of the County's financial status.

Mr. F. Campbell – informed the Board that final revisions have been made to the County/Regional Commissions Administrative agreement for the Madison Heights CDBG Project; informed the Board of a citizen's request to consider zoning regulations for burning; stated interested in public fishing at the Graham Creek Water Reservoir.

IN RE: ADJOURNMENT

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

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

NAY: None

ABSENT: None

Claudia Tucker, Chair
Amherst County Board of Supervisor

David Proffitt, Assistant County Administrator