

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 2<sup>nd</sup> day of June, 2009 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

PRESENT:	Mr. L. Parrish	ABSENT: None
	Mr. C. Adams	
	Mr. D. Kidd	
	Mr. R. Vandall	
	Mr. V. Wood	

Mr. Parrish called the meeting to order, invocation and pledge of allegiance.

**IN RE: AGENDA**

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the agenda with changes:

**AGENDA**

**TUESDAY, JUNE 2, 2009  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
SCHOOL BOARD MEETING ROOM  
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. VII. Citizen Comments**
- V. Special Appearances and Presentations**
- VI. Amherst County Public Schools – Dr. Brian Ratliff**
  - a. Consider reappointment of Susan Cunningham to School Board
- VII. Virginia Department of Transportation**
  - b. Secondary System Construction Program – Sharon White
  - a. Route 29 Corridor Study – Joe Springer
- VIII. Consent Agenda**
  - a. Amherst County Board of Supervisors Minutes – April 28, 2009, May 5 and 19th (4:00 pm) and May 19<sup>th</sup> (7:00 p.m.), 2009
  - b. Calendar Item
  - c. Email from Shannon Valentine regarding stimulus meeting

- d. Robert E. Lee Soil & Water Conservation District – Annual Plan of Work
- e. Amherst County Parks, Recreation and Cultural Development Board Meeting - March 16<sup>th</sup> and April 20, 2009
- f. Office of the Sheriff – Report for April, 2009
- g. Department of Conservation and Recreation - Letter of May 14, 2009
- h. Application of Columbia Gas of Virginia, Inc. for approval of amendments to the enrollment provisions of its budget payment plan Case No. PUE-2009-00024
- i. Commonwealth Center for Children and Adolescents – Letter of Support – Ben Cline
- j. Email from Gary Christie FY2010 SAFETEA-LU Enhancement Allocations for Region 2000
- k. VDOT Traffic Alerts – May 25-29, 2009

## **IX. Department Reports**

### Central Accounting

- a. Monthly Financial Report
- b. Train Station update

### Amherst County Department of Social Services

- a. 2010 Final budget allocation

### Building Safety and Inspections

- a. Status of Rental Inspections and Blighted Properties
- b. Report from Daren Givens on abandoned vehicles and other ordinance enforcement

### Planning/Zoning Department

- a. Resolution requesting addition of Yahweh Drive and Majestic Hills Circle located in Majestic Hills Subdivision into VDOT system
- b. Zoning Request from Blue Ridge Marine
- c. Zoning Case # 2008-31

## **X. County Administrator's Report**

- a. Appointments
  - (i) Amherst County Community Policy Management Team  
Pamela Wilson
- b. Request for reimbursement of real estate property tax to Habitat for Humanity
- c. Resolution of Recognition for Dr. Lloyd Tannenbaum
- d. Monthly Activity Report
- e. Resolution approving APCo three year contract

## **XI County Attorney's Report**

## **XII. Matters from Members of the Board of Supervisors**

## **XIII. Appropriations/Transfers/Disbursements**

- (ii) Discussion and review of County Administrator Applications

## **XIV. Closed Meeting (§2.2-3711.A, Code of Virginia, as amended)**

§2.2-3711.A.1 Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

- a. Personnel
  - (i) Status of Economic Development Director Position
  - (iii) Animal Shelter/Humane Society Relations

§2.2-3711.A.7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commended by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

- a. Report of on-going litigation including school system

## **XV. Adjourn**

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

### **IN RE: CITIZEN COMMENTS**

Gwen Patterson spoke in opposition of propane tank case.

Wayne Patterson spoke in opposition of propane tank case

Jeff Hamilton spoke in favor of investigating leak from Board closed session.

### **IN RE: AMHERST COUNTY PUBLIC SCHOOLS – DR. BRIAN RATLIFF**

Dr. Ratliff spoke to the Board of Supervisors; thanked them for support and invitation to graduation.

### **IN RE: CONSIDER REAPPOINTMENT OF SUSAN CUNNINGHAM TO SCHOOL BOARD**

On motion of Mr. Parrish and with the following vote, the Board of Supervisors reappointment Ms. Susan Cunningham for another term on the School Board representing District 5 with a term to expire June 30, 2013.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

### **IN RE: RT 29 CORRIDOR STUDY**

The Board of Supervisors received a presentation from Charlie Resnick and Joe Springer on the Rt. 29 Corridor Study.

**IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Ms. Sharon White presented information from the Virginia Department of Transportation. She requested approval of the following resolutions:

**In the County of Amherst**

By resolution of the governing body adopted June 02, 2009, the following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Teste: Signed (County Official) \_\_\_\_\_  
 David R. Proffitt  
 Acting County Administrator

**Report of Changes in the Secondary System of State Highways**

Project/Subdivision **0210-005-f02,c-502**

**Type Change to the Secondary System of State Highways: Abandonment**

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: **VDOT Project**  
 Pursuant to Code of Virginia Statue: **§33.1-155**

**Street Name and/or Route Number**

➤ **Morris Street (section 18)**

Old Route Number: 1033

- From: Intersection of Old Route 210  
 To: 0.02 Mi. N. Intersection of New Route 210, a distance of: 0.02 miles

➤ **Morris Street (section 17)**

Old Route Number: 1033

- From: Intersection of 210 & Old 1033  
 To: 0.06 Mi. N. Intersection of New Route 1033, a distance of: 0.06 miles

➤ **Old F-894 (section 10), State Route Number**

Old Route Number: 894

- From : Intersection of Old 1027 & Old F-894  
 To: Mi. N. Route 29 Business, a distance of: 0.09 miles.

➤ **Union Street (section 13)**

Old Route Number: 1009

- From: Intersection of Old Routes 210 and 1009  
 To: 0.02 Mi. W. Intersection of 210 and Old route 1009, a distance of: 0.02 miles.

---

**Report of Changes in the Secondary System of State Highways**

---

**➤ Union Street (section 14)**

Old Route Number: 1009

- From: Intersection of route 210 and Old Route 1009  
To: 0.15 Mi. W. Dead End, a distance of: 0.15 miles.

**➤ Recycle Road (section 20)**

Old Route Number: 1027

- From: Intersection of Route 622  
To: 0.03 Mi. W. Intersection of Route New 1027 & Route Old 1027, a distance of: 0.03 miles

**➤ Old Wright Shop Road (section 24)**

Old Route Number: 622

- From: Intersection of Old Route 622 and Route 842  
To: 0.15 Mi. E. Intersection of Old route 622 and Route 622, a distance of: 0.15 miles.

**➤ Old Ragland Road (section 16)**

Old Route Number: 1024

- From: Intersection of Route 622  
To: 0.06 Mi. E. Intersection with New 1024, a distance of: 0.06 miles.

**➤ Colony Road (section 3)**

Old Route Number: 210

- From: Intersection of Old route 29 North Ramp and Old F-894  
To: 0.02 Mi. W Station 102+40, a distance of: 0.02 miles.

**➤ Ragland Road (section 3-a)**

Old Route Number: 1024

- From: Intersection of Old Route 210  
To: 0.01 Mi. E. Dead End, a distance of: 0.01 miles

**➤ Recycle Road (section 22)**

Old Route Number: 1027

- From: Station 10+63  
To: 0.10 Mi. NE Intersection of Route 622 and Old Route 622, a distance of: 0.10 miles

## Report of Changes in the Secondary System of State Highways

---

### Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **VDOT Project**  
 Pursuant to Code of Virginia Statute: **§33.1-229**

---

#### Street Name and/or Route Number

➤ **Morris Street (section 26-a), State Route Number 1033**

Old Route Number: 0

- From: Intersection of Route 210 & 1033  
 To: 0.05 Mi. N Intersection of Route 845 (Old Route 1024), a distance of: 0.05 miles.

Right of Way width (feet) = 50 & Vari.

➤ **Union Street (section 26), State Route Number 1033**

Old Route Number: 1009

- From: Intersection of Old Route 210  
 To: 0.16 Mi. W. Dead End, a distance of: 0.16 miles.

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop road (section 31), State Route Number 622**

Old Route Number: 0

- From: Intersection of Route 1024  
 To: 0.29 Mi. NE Intersection of Old Route 1027, a distance of: 0.29 miles.

Right of Way width (feet) = 40 & Vari.

➤ **Connection Court (section 37), State Route Number 842**

Old Route Number: 0

- From: Intersection of Route 622  
 To: 0.07 Mi. W Intersection of Routes 842 & 1027, a distance of: 0.07 miles.

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop road (section 32), State Route Number 622**

Old Route Number: 0

- From: Intersection of Old Route 1027

To: 0.03 Mi. NE Intersection of Route 622 and Route 842, a distance of: 0.03 miles.

Right of Way width (feet) = 40 & Vari.

### **Report of Changes in the Secondary System of State Highways**

---

➤ **Connection Court (section 36), State Route Number 842**

Old Route Number: 0

- From: Intersection of Routes 1027 & 842  
To: 0.07 Mi. W Connection to Old route 622 (Renumbered 842), a distance of: 0.07 miles

Right of Way width (feet) = 40 & Vari.

➤ **Recycle Road (section 35), State Route Number 1027**

Old Route Number: 0

- From: Intersections of Route 842 and Old 1027  
To: 0.13 Mi. W Dead End, a distance of: 0.13 miles.

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop Road (section 32-a) State Route Number 622**

Old Route Number: 0

- From: Intersection of Routes 622 & 842  
To: 0.04 Mi. NE Intersection of Old Routes 1027 and 622, a distance of: 0.04 miles

Right of Way width (feet) = N/A

➤ **Ragland Road (section 34), State Route Number 1024**

Old Route Number: 0

- From: Intersection of Route 622  
To: 0.06 Mi. E Dead End, a distance of: 0.06 miles

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop Road (section 30), State Route Number 622**

Old Route Number: 0

- From: Intersection of Routes 622 & 1024  
To: 0.01 Mi. SW Intersection of Old Route 1024, a distance of: 0.01 miles.

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop Road (section 29), State Route Number 622**

Old Route Number: 0

- From: Intersection of Old Route 1024  
To: 0.07 Mi. SW Intersection of Route 622 and Route 210, a distance of: 0.07 miles

Right of Way width (feet) = 40 & Vari.

➤ **Wright Shop Road (section 28), State Route Number 622**

Old Route Number: 0

- From: Intersection of route 622 and Route 210  
To: 0.14 Mi. SW Intersection of Route 622 at Station 20+77, a distance of: 0.14 miles
- Right of Way width (feet) = 40 & Vari.

**Report of Changes in the Secondary System of State Highways**

➤ **Wright Shop Road (section 27), State Route Number 622**

Old Route Number: 0

- From: Intersection of Route 622  
To: 0.05 Mi. SW Intersection of Route 334 at CVTC Entrance, a distance of: 0.05 miles.
- Right of Way width (feet) = 40 & Vari.

➤ **Old Colony Road (section 19), State Route Number 622**

Old Route Number: 0

- From: Intersection of Route 622  
To: 0.03 Mi. W Dead End, a distance of: 0.03 miles.
- Right of Way width (feet) = 40 & Vari.

**In the County of Amherst by resolution of the governing body adopted June 2, 2009, the following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.**

**A COPY, TESTE: Signed (County Official): \_\_\_\_\_**

**Report of Changes in the Secondary System of State Highways**

Project/Subdivision 0652-005-238, rw 201, C501

**Type Change to the Secondary System of State Highways: Abandonment**

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: **VDOT Project**

Pursuant to Code of Virginia Statute: **§33.1 – 155**

**Street Name and/or Route Number**

- **Cedar Gate Road (segment B,d), State Route Number**  
Old Route Number: 652

- From: 0.01 Mi. E of Route 1401  
To: 0.35 Mi. N. of Route 652, a distance of: 0.35 miles.
- **Cedar Gate Route (segment E, E1)**  
Old Route Number: 652
- From: 0.68 Mi. E. of Route 1401  
To: 0.36 Mi. NE of route 1401, a distance of: 0.36 miles.
- **Winesap Road (segment G1, e1,h)**  
Old Route Number: 675
- From: 2.81 Mi. N. of Route 795  
To: 0.25 Mi. E, a distance of: 0.25 miles.

---

### Report of Changes in the Secondary System of State Highways

---

#### Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right of way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **VDOT Project**  
Pursuant to Code of Virginia Statue: **§33.1-229**

#### Street Name and/or Route Number

- **Cedar Gate Road (segment B,c,d), State route Number 652**  
Old Route Number: 0
- From: 0.01 Mi. E. of Route 1401  
To: 0.34 Mi. E. of Route 1401, a distance of 0.34 miles.
- Right of Way width (feet) = 50
- **Cedar Gate Road (segment E,f,g,h), State Route Number 652**  
Old Route Number: 0
- From: 0.68 Mi. E. of Route 1401  
To: 0.38 Mi. N. of Route 652, a distance of: 0.38 miles.
- Right of Way width (feet) = 50
- **Winesap Road (segment F,f1), State Route Number 675**  
Old Route Number: 0
- From: 0.69 Mi. E. of Route 1401  
To: 0.08 Mi. W. a distance of: 0.08 miles.
- Right of Way width (feet) = 50
- **Winesap Road (segment G,g1), State Route Number 675**

Old Route Number: 0

- From: Intersection of Routes New 675 and Old 675  
To: 2.95 Mi. S. To Route 795, a distance of: 0.14 miles

Right of Way width (feet) = 50

---

## Report of Changes in the Secondary System of State Highways

---

### Type Change to the Secondary System of State Highways: Data Correction

This Board hereby requests the transfer of the following segment(s) of the Interstate or Primary System to this County's secondary system of state highways.

Reason for change: **VDOT Project**  
Pursuant to Code of Virginia Statute: **§33.1-69**

---

#### Street Name and/or Route Number:

- **Cedar Gate Road (segment A,b), State Route Number 652**  
Old Route Number: 0
  - From: Route 1401  
To: 0.01 Mi. E. of Route 1401, a distance of: 0.01 miles
- **Cedar Gate Road (segment D,e), State Route Number 652**  
Old Route Number: 0
  - From: 0.35 E. of Route 1401  
To: 0.33 Mi. E. of Route 1401, a distance of 0.33 miles
- **Cedar Gate Road (segment H,j,k), State Route Number 652**  
Old Route Number: 0
  - From: 0.15 Mi. SE of Intersection of Routes 652 & 675  
To: 0.12 Mi. NE of Route 657, a distance of: 0.12 miles.
- **Winesap Road (segment F1,f2), State Route Number 675**  
Old Route Number: 0
  - From: 0.08 Mi. W. of route 652  
To: 0.07 Mi. W. to Dead End, a distance of: 0.07 miles.
- **Winesap Road (segment G1,g2), State Route Number 795**  
Old Route Number: 0
  - From: 0.14 Mi. S. of Route 652  
To: 2.81 Mi. S. to Route 795, a distance of: 2.81 miles

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

**IN RE: MINUTES**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the minutes of April 28, 2009 with Mr. Wood abstaining as he was absent; the May 5, 2009 1:00 p.m. meeting and May 19, 2009 4:00 p.m. meeting.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood (absent for April 28, 2009)

NAY: None

**IN RE: FINANCIAL REPORT FOR APRIL, 2009 AND TRAIN STATION UPDATE**

Ms. Brenda Campbell presented the financial report for April, 2009 and an update on the train station

**IN RE: SOCIAL SERVICES – FINAL BUDGET ALLOCATION FOR FY2010**

Ms. Susan Mays presented the Social Services 2010 final budget allocation for the Board of Supervisors information.

The operating budget included the following changes:

1. No increase in local funding
2. A \$105,122 increase in state and federal revenue
3. Changes to Department 5301 based on FY2008-2009 spending patterns
4. Changes to Department 5302 based on adjustments to state allocations

**IN RE: STATUS OF RENTAL INSPECTIONS AND BLIGHTED PROPERTIES****Rental Inspection Update**

During the month of May building official started rental inspections in District V, Old Madison Heights. The properties inspected so far were:

- 149 Dawson Street. Single wide in reasonable good shape. Will reinspect in three years.
- 5159 S. Amherst Highway. House is well maintained, will re-inspect in four years.
- 164 Ninth Street. House in good shape. A couple of minor electrical problems to be addressed, but when corrected will re-inspect in four years.
- Donald is working with the owner of one on Ninth Street trying to get it on the books for inspection.

Building official in the process of scheduling five more to try to get done by June 30. This will completes all he has responses on. He is going through the lists of properties in old Madison trying to determine what is rental. Once he can determine which properties are rental properties, he will work with Mr. Hunt on trying to get these people to comply with the rental inspection ordinance.

**Unsafe Housing Update**

The houses on 316 Main Street, Horseford Road, and Lynchburg Avenue are all disposed of and grass growing on the sites. He is working on two in Faulkonerville and one new complaint on Father Judge Road. He has pictures of each of these properties and is researching the owners so he can send them letters to comply with the County Ordinance regarding unsafe properties. He is also continuing working on one on Woodrow Avenue that the owner is supposed to be demolishing due to fire damage and one on Lynch's Ferry that is changing hands but has a fire damaged trailer and many junked cars. Lt. Givens is working on the vehicles and he is working on the trailer.

He received a complaint on Warrick Street yesterday that he will check into on his next trip to Old Madison Heights.

**MONTHLY REPORT  
MAY 2009  
LT. D. GIVENS**

79 COMPLAINTS RECEIVED  
42 COMPLAINTS CLEARED  
WORKED ON PREVIOUS COMPLAINTS  
27 LETTERS MAILED OUT  
16 LETTERS RECEIVED AND COMPLIED  
9 LETTERS NOT RECEIVED AS OF THIS TIME

- The illegal junk yard complaint on Kings Road – He spoke to Eugene Welch who is the owner. He stated he is zoned industrial and can have as many vehicles as he wants. He stated he just can't sell any parts. He advised he doesn't have a salvage title. He turned the complaint over to Jeremy Bryant.
- The complaints of inoperable vehicles on Ned Brown Road have been taken care of and removed.
- The complaints on Lynchs Ferry Road reference to vehicles at the garage is being handled. He's working with the gentlemen who work there.
- Amherst Lawn Care is having to cut 2 yards.
  - o 1 is at 185 Apple Way
  - o 1 at 754 Kings Road

**IN RE: RESOLUTION REQUESTING ADDITION OF YAHWEH DRIVE AND MAJESTIC HILLS CIRCLE LOCATED IN MAJESTIC HILLS SUBDIVISION INTO VDOT SYSTEM**

In October of 2008, the Board of Supervisors approved a resolution to accept Yahweh Drive and Majestic Hills Circle into the state secondary maintenance system. On April 29, 2009 these streets were accepted into the State secondary roadway system. The County has been asked by Patricia Clay from the VDOT – Amherst Residency Office to approve the new resolution form that VDOT has provided, since the resolution form that was approved previously by the Board of Supervisors was outdated when approved. This approval should be considered administrative as the roads have already been accepted into VDOT's System.

---

**Report of Changes to the Highway System of:  
County of Amherst** **Report Period: 04/01/2009 through 04/30/2009**

---

This document reports changes in the locality's VDOT maintained secondary system of state highways for the report period. Developer bonds held pending VDOT's acceptance of streets reported here may be releases in accordance with the local ordinance.

---

			Local	Gov.
VDOT	Route Street Name	RW Width (ft)	Mileage	Resolution
Effective Date:				
<b>Project: <u>Majestic Hills Subdivision</u></b>				
<b>Type Change: Addition</b>				
	<b>01091 Majestic Circle</b>	50 Ft.	0.07	8/19/2008
4/29/2009	Termini: From: .07 MW of Yahweh To: Cul-de-sac			
	<b>01090 Yehweh Drive</b>	50 Ft.	0.17	8/19/2008
4/29/2009	Termini: From 0.17 ME of Route 659 to: Cul-de-sac			
<b>Total Net Change in County's Mileage</b>			<b>0.24</b>	

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
 NAY: None

**IN RE: ZONING REQUEST FROM BLUE RIDGE MARINE**

This is a zoning text amendment that would allow unforeseen uses to be considered by the Planning Commission and the Board of Supervisors in the B-2 General Commercial District. The statement “*other uses as reviewed by the Planning Commission and approved by the Board of Supervisors*” is proposed as a special exception use. The Planning Commission during its “first reading” modified the ordinance that the Board of Supervisors initially reviewed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following ordinance amendment as their first reading.

707. General Commercial District B-2.

707.01. *Intent of General Commercial District B-2.* This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volume of traffic are permitted in this zone.

707.02 Permitted *uses.* Within the General Commercial District B-2, the following uses are permitted:

1. Accessory buildings and uses as provided in Section 901 herein;
2. Banks and savings and loan institutions;
3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
15. Signs as provided in Section 907 herein;
16. U.S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902 herein;
20. Cemeteries;
21. Churches, manses, parish houses and adjacent cemeteries;
22. Day care centers;
23. Garages, public;
24. Hardware stores;
25. Motels, motor hotels and motor inns;
26. Restaurants;
27. Schools;
28. School support facilities

29. Shopping center, subject to restrictions of Section 909 herein;
30. Shopping complex;
31. Single-family dwelling and a retail sales and/or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure;
32. Telephone repeater substations, with no external antennas;
33. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
34. Bakeries employing not more than ten (10) people other than clerks and vehicle drivers;
35. Cabinet making shops;
36. Catering establishments;
37. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
38. Dry cleaning plants;
39. Funeral homes;
40. Furniture stores;
41. Printing plants and newspaper offices;
42. Radio and TV offices and studios;
43. Retail automotive parts stores;
44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
49. Colleges;
50. Community centers;
51. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;
56. Kennels;
57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or a school district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;
58. Pest exterminating businesses;
59. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
60. Radio and TV transmission towers (provided the tower is so located that its minimum distance from any lot line shall equal the maximum height of the tower above ground level);
61. Radio and TV transmitters;
62. Sign manufacturing;
63. Truck stop;
64. Veterinary hospitals and clinics;

- 65. Libraries;
- 66. Public utilities;
- 67. Public streets;
- 68. Wireless communication facilities as provided in Section 914 herein;
- 69. Short-term tourist rental of dwelling.
- 70. **Other compatible uses approved by the board of supervisors.**

707.03. Special Exceptions.

- 1. Bulk storage and sale of sand, gravel and rock
- 2. Automobile sales, used;
- 3. Building and excavating contractor facilities with outside storage;
- 4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
- 5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
- 6. Farm machinery display, sales and services;
- 7. Machinery sales and services;
- 8. Arenas, auditoriums or stadiums;
- 9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building.
- 10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
- 11. Adult entertainment establishments in accordance with Section 915;
- 12. Tattoo establishments;
- 13. Auction house;
- 14. Self-service mini-storage and warehouse facilities;
- 15. Travel trailer sales;
- 16. **Other compatible uses approved by the board of supervisors.**

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

**IN RE: ZONING CASE NUMBER 2008-31**

On May 19, 2009 at the Joint Workshop between the Planning Commission and Board of Supervisors, direction was provided to staff to make a number of changes to the proposed ordinance. First, the word "severe" from section 1207.01 (B)(3) was removed. Second, staff provided a statement in Section 1207.01 (B)(3) to allow a family division to take place before the five (5) year ownership period if a qualifying family member was prepared to construct a dwelling. The final modification was to align the wording with state code. Staff would like the Board of Supervisors to review the ordinance once more before it is advertised for public hearing.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the advertisement for public hearing with the addition of the Attorney General's opinion.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. R. Vandall and Mr. V. Wood

NAY: None

ABSENT: Mr. D. Kidd

**1207.01. Family divisions.**

(A) A single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner. Only one (1) such division is to be allowed per family member, and shall not be for the purpose of circumventing this subsection. For the purposes of this subsection a member of the immediate family is defined as any person who is a natural or legally defined offspring, stepchild, spouse, grandchild, grandparent, sister or brother or parent of the owner. Such a division shall be called a family division. The applicant shall submit three (3) copies of said family division plat to the planning department for review and approval. Within **sixty (60) days** of official submission, the plat shall be approved or disapproved by the **zoning administrator or his/her designee**. The applicant shall be responsible for recording the plat in the office of the Clerk of the Circuit Court within six (6) months of approval or it will become invalid. The family division plat shall clearly show the following information:

1. Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor, who shall endorse upon each such plat a certificate signed by him or her setting forth the source of title of the owner (s) of the land(s) involved in the family division and the place of record of the last instrument(s) in the chain of title;
2. Date of plat;
3. Scale;
4. North arrow;
5. Adjoining property owners;
6. Bearings and distances of all lines surveyed as part of the family division;
7. Name and signature of owner(s) notarized;
8. Acreage of conveyed property, **per Section 801**;
9. The acreage and frontage width of the remainder or a statement certifying the surveyor's knowledge that the remainder of the property meets the minimum acreage and frontage width requirements;
10. Tax map section, block and lot number;
11. Plat clearly labeled FAMILY DIVISION by the surveyor;
12. Name(s) of family member grantee;
13. Sufficient dedicated ~~right-of-way~~ **easement** to meet the standards of the Virginia Department of Transportation when a lot fronts on a state maintained road;
14. Signature block for county official;
15. ~~Right of Way width. Lots less than five (5) acres shall have a right of way between ten (10) and twenty (20) feet.~~ **All family subdivisions not fronting on a public road shall provide for the conveyance of a right of way twenty feet in width.**
16. **If the property is located within a Watershed Overlay District, all requirements applicable to the subdivision of land therein must be met.**

**(B) A family division is permitted for a sale or gift to a member of the immediate family of the property owner, subject only to the express requirements contained in the Code of Virginia (1950), as amended, and the following provisions:**

1. **No previous transfer from the same source tract under this provision has been granted to the grantee in Amherst County;**
2. **The grantee is at least eighteen (18) years of age and able to hold title to real estate under Virginia law;**
3. **No lot may be created by family subdivision unless it has been owned by the current owner or a member of his/her immediate family for at least five (5) consecutive years. The zoning administrator or his/her designee may reduce or provide exceptions to the five (5) year retention period if an affidavit is included with the subdivision plat stating that the grantee shall obtain a building permit to construct a single-family dwelling within six (6) months of final plat approval. If a building permit is not obtained within the specified time frame, the County may follow the requirements of Section 1207.01(E)(1) – (3).**
4. **The property owner must place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of five (5) years. Upon application, the zoning administrator or his/her**

designee may reduce or provide exceptions to the five (5) year retention period when changed circumstances so require, including but not limited to, foreclosure, death, judicial sale, condemnation, bankruptcy or permanent relocation by the owner out-of-state. Additionally, the zoning administrator or his/her designee may approve the transfer of property between eligible family members as defined in §1207.01 (A) "definition of family member" within the five (5) year retention period. Any such relief granted by the administrator shall be in the form of an instrument that the applicant shall record against the parcel in the land records of the circuit court.

5. All proposed plats for family subdivision shall include an affidavit which shall be signed by the grantor and grantee under oath and penalty of perjury that identifies the subdivision as being for the purposes of conveyance to a qualifying family member and identifies the receiving family members and their relationship to the grantor.

(C) In the event the Zoning Administrator or his/her designee determines that a family division has been used to circumvent the Subdivision Ordinance, he shall initiate the vacation of all or part of the plat or plats of the original lot or parcel to the extent necessary to correct the violation.

(D) The approved family subdivision plat shall be recorded in the office of the Clerk of the Circuit Court within six (6) months.

(E) Family subdivisions that do not comply with these requirements shall be presumed to have intended at the time of approval to circumvent this chapter and shall be deemed to be in violation and may result in one or more of the following:

1. Any action specified in Article X of the Zoning Ordinance, including but not limited to civil remedy and relief and criminal penalties and fines;
2. Vacation of the subdivision;
3. Refusal of building permits and other development permits.

**IN RE: APPOINTMENT AMHERST COUNTY COMMUNITY POLICY MANAGEMENT TEAM**

On motion of Mr. Adams and with the following vote, the Board of Supervisors reappointed Pamela Wilson to the Community Policy Management Team and directed staff to invite her to the next available meeting.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
 NAY: None

**IN RE: HABITAT FOR HUMANITY REQUEST FOR REFUND**

Habitat for Humanity appeared before the Board on Tuesday, January 15, 2008 requesting tax exemption on real estate acquired by Amherst County Habitat for Humanity as they are a charitable organization. The Board at that time decided not to waive the taxes but to allow Habitat to request a refund of taxes during budget time of each year.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved to allow a reimbursement on the following property real estate taxes:

97 A 33 C	N of Poplar Church (Lot 2A Pendleton Rd.)	\$65.00
84 1 4	Lot 4 Wesleyan Circle	52.00
137 2 8	Lot 8 Hughes Drive	52.00
127 1 8	Lot 8 Buffalo Ridge	59.80
156E 1 13	Lot 13 Montrose Hgts	5.20
127 1 28	Lot 28 Buffalo Ridge	60.32
125 A 49D	E of Coolwell	68.64
96A7 4 7 1-5	Lot 1-5 BLK 7	58.50
160A2 A 47	Lot 2 Butler Land	<u>52.00</u>

TOTAL \$473.46

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

**IN RE: RESOLUTION OF RECOGNITION AND COMMENDING DR. LLOYD TANNENBAUM**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following resolution and move to invite Mr. Tannenbaum to the next Board of Supervisors meeting to receive the resolution.

**WHEREAS**, Lloyd Tannenbaum has faithfully and impartially represented the families of Amherst County as an appointee to the Amherst County Community Policy and Management Team since June of 1997; and

**WHEREAS**, Lloyd Tannenbaum has actively contributed his leadership and experience to enhance services for the children and families of Amherst County; and

**WHEREAS**, Lloyd Tannenbaum has demonstrated a sincere desire and an unfailing commitment to advocate on behalf of and to improve the quality of life for the citizens of Amherst County.

**NOW AND THEREFORE BE IT RESOLVED** by the Amherst County Board of Supervisors that it would like to recognize and commend Lloyd Tannenbaum with heartfelt gratitude for all his efforts and bids him well in all his future endeavors.

Adopted this 2nd day of June, 2009

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

**IN RE: ACTIVITY REPORT FOR MAY 2009**

**MONTHLY ACTIVITY REPORT  
May, 2009**

**(1) American Tower – Internet Access for Pedlar and Animal Care and Control Facility:**

**Recent Activity:** County maintenance has completed renovation to structure that will house equipment.

**Next Steps:** Wireless Data Systems plans to have work complete by end of May.

**Last Updated:** 05/04/09

**(2) CVCC Lease:**

**Recent Activity:** Lease has been full executed and approved by Attorney General’s Office; Lease received via mail by the County Attorney on 5/26/09; Copy of lease distributed by County Attorney to Acting County Administrator; Director of Accounting, and Chairman of the EDA on 5/26/09.

**Next Steps:** Task Completed.

**Last Updated:** 05/27/09

**(3) Amherst Train Station:**

**Recent Activity:** The money advanced by the County has been requested from VDOT from the proceeds of the most recent grant. An application for additional grant funds was submitted in 2008 and grant awards will be announced in June of 2009. The Friends of the Amherst Train Station has been meeting on a regular basis to plan fund raising for the local match portion of the work. The County submitted an application for Stimulus Funding for the Train Station. VDOT has requested additional reimbursement documentation which is being proved by Central Accounting.

**Next Steps:** Monitor repayment of funds advanced.

**Last Updated:** 05/26/09

**(4) Animal Care and Control Facility:**

**Recent Activity:** Letter of Notification response letter to be sent to S. Helsel (state vet) on 4/30/09 with attachments from B. Shaw and N. Davis regarding remedy of the three (3) noncompliance issues by County Attorney; Letter written and sent to State Vet's Office on 4/12/09 officially requesting separation/reclassification of the Animal Shelter/Humane Society by County Attorney.

**Next Steps:** Wait for ruling by State Vet's office on request for separation/reclassification; Organizational issues currently being evaluated.

**Last Updated:** 05/27/09

**(5) Learning Lane:**

**Recent Activity:** The final plat has been signed by Amherst County and the Amherst County School Board; Sam E. Davis has been informed on status of project and wants to wait to sign it after all other parties have signed the plat; River James, Inc. has still yet to sign the plat; River James, Inc. sent reminder correspondence on 2/17/09 and 4/7/09; River James, Inc. sent County Attorney letter with questions on 4/15/09; County Attorney had teleconference with J.L. McCall of Hughes Realty on 4/15/09 to answer said question; J.L. McCall informed County Attorney that she would obtain approval to sign the plat from owner of River James, Inc. and then sign the plat; J.L. McCall of Hughes Realty has requested additional information regarding easements; County Attorney in process of gathering information and sending to J.L. McCall; Resolution of a shopping center drainage issue is currently being negotiated.

**Next Steps:** Get plat signed by River James, Inc.; Record said plat; Upon recordation, authorize Hurt & Proffitt to proceed with VDOT coordination for acceptance into their system.

**Last Updated:** 05/27/09

**(6) Rental Inspection Ordinance Implementation:**

**Recent Activity:** Building official to provide report at June 2, 2009 board meeting.

**Next Steps:** First inspections scheduled for week of May 4, 2009.

**Last Updated:** 05/26/09

**(7) Blighted Property Report:**

**Recent Activity:** Building Official to provide report at June 2, 2009 board meeting.

**Next Steps:**

**Last Updated:** 05/26/09

**(8) Madison Heights CDBG Grant Application:**

**Recent Activity:** Application submitted April 8, 2009 in amount of \$1,190,000.

**Next Steps:** Expect notification of award status early July, 2009.

**Last Updated:** 05/26/09

**(9) Sidewalk Improvements in Madison Heights:**

**Recent Activity:** The County received a grant of \$50,000 to match County funds for sidewalk improvements in Madison Heights. Hurt and Proffitt conducted an assessment of the sidewalks in Madison Heights and has identified priority improvement areas for construction of curb cuts and installation of a limited amount of new sidewalks.

**Next Steps:** Submit improvement plan to VDOT for review on May 8, 2009.

**Last Updated:** 05/26/09

**(10) Survey of Historic Properties:**

**Recent Activity:** The County received a grant from the Department of Historic Resources (DHR) to conduct a survey of historic properties in the County. DHR and the County have entered into a cooperative partnership with the Tusculum Institute at Sweet Briar College to conduct the survey. The grant and all contracts will be administered by DHR. Contractual documents currently being reviewed by Amherst County.

**Next Steps:** County's cost share of \$20,000 must be made to initiate project commencement.

**Last Updated:** 05/26/09

**(11) Space Needs Study:**

**Recent Activity:** The County has explored a number of options to address space needs with the County Administration building and problems with the HVAC system at the Goodwin Street Building.

**Next Steps:** The Board of Supervisors workshop 9:30 a.m., Tuesday, June 9, 2009 in the County Administration Building Board Room.

**Last Updated:** 05/26/09

**(12) Broadband Availability:**

**Recent Activity:** First meeting of Broadband Authority ("BAA") to be held on June 2, 2009; Said meeting has been advertised by the County Attorney including a request for interested and qualified citizens to serve of the Technical Review Committee ("TAC"); Numerous meeting have occurred between County Attorney and Jeff Gore (attorney, Hefty & Wiley) and B. David regarding documents and next steps for the BAA

**Next Steps:** Hold first BAA meeting and develop TAC

**Last Updated:** 05/27/09

**(13) Phelps Road School:**

**Recent Activity:** Transfer deed prepared by County Attorney; plat reviewed by T. Jorgensen on 4/15/09; comments sent to Hurt and Proffitt via mail by T. Jorgensen on 4/15/09; submittal of final plat by Hurt and Proffitt required for recordation; status update email sent by County Attorney to D. Gibbs on 4/23/09; teleconference with D. Gibbs and County Attorney on 4/23/09; County Planning Department comments currently being incorporated with final plat; Email from County Attorney to T. Jorgensen sent on 5/27/09 seeking status of plat review; Response email from T. Jorgensen received by County Attorney on 5/27/09 informing that A. Bryant (Hurt and Proffitt) will deliver the plat to the Planning and Zoning Office on 5/28/09; Email sent to D. Gibbs on 5/27/09 informing him of plat status; Response email sent by D. Gibbs to County Attorney on 5/27/09 thanking him for status update.

**Next Steps:** Receive final plat by Hurt and Proffitt; upon receipt, County Attorney will record and notify D. Gibbs immediately

**Last Updated:** 05/27/09

**(14) QAD:**

**Recent Activity:** Transfer deed prepared by County Attorney; plat reviewed by T. Jorgensen on 4/15/09; comments sent to Hurt and Proffitt via mail by J. Jorgensen on 4/15/09; submittal of final plat by Hurt and Proffitt required for recordation; final signed plat received by Hurt and Proffitt on 5/26/09; County Attorney will have plat and deed recorded prior to the 6/2/09 BOS meeting.

**Next Steps:** County Attorney will record and notify QAD immediately

**Last Updated:** 05/27/09

**(15) Transfer of Amelon Commerce Center property to EDA:**

**Recent Activity:** The County is working with a company that is expected to locate in the Amelon Commerce Center. The transfer of property to that company will be considered at a public hearing to be scheduled in the next few months. Hurt and Proffitt has recommended that the County wait until after that transfer is complete to update the master plan which will be necessary for transfer to the EDA; Status update requested and received from B. Hopkins regarding master plan update.

**Next Steps:** Update of master plan necessary for transfer of property in process.

**Last Updated:** 05/27/09

**(16) Release of Industrial Access Funds:**

**Recent Activity:** The EDA Director submitted additional information as requested by VDOT in early April.

**Next Steps:** Final approval by VDOT release the funds expected June, 2009

**Last Updated:** 05/26/09

**(17) Monacan Park: Wake Boarding Boat Issue:**

**Recent Activity:** Recommendation given by Parks and Recreation Board to County Attorney on 4/20/09; Parks and Recreation Board asked County Attorney to get several answers from DGIF; County Attorney presented said recommendation to the BOS at 4/21/09 meeting; County Attorney emailed questions to T. Fischer (DGIF) on 4/21/09 regarding collection of fines; T. Fischer responded to email on 4/21/09; Follow-up email sent to T. Fischer (DGIF) on 4/29/09 regarding regulation of wake-enhancing devices ("WEDs"); Letter sent to T. Fischer on 5/27/09 seeking confirmation that DGIF will enforce the proposed new Ordinance banning WEDs

**Next Steps:** Await response from T. Fischer regarding regulation of WEDs; present findings to Parks and Recreation Board in near future

**Last Updated:** 05/27/09

**(18) Noise Ordinance Revision:**

**Recent Activity:** County Attorney advised BOS at 4/21/09 meeting regarding *Tanner* decision and effect on likely making Amherst County's Noise Ordinance unconstitutionally void for vagueness; County Attorney working with fellow Local Government Attorneys to draft constitutional Noise Ordinance with LGA, VML, and/or VACO's assistance; Roundtable Discussion meeting on incessantly barking dogs in May cancelled due to new *Tanner* developments and lack of interest/attendance; County Attorney scheduled to attend (via teleconference) CLE regarding Noise Ordinance standards on 6/30/09.

**Next Steps:** County Attorney to draft constitutional Noise Ordinance following recommendation from LGA, VACO, and/or VML and present to Board of Supervisors June 16, 2009; County Attorney will attend 6/30/09 CLE on Noise Ordinance standards.

**Last Updated:** 05/27/09

**(19) Zoning Ordinance Alignment with Comprehensive Plan:**

**Recent Activity:** The Planning Commission has formed sub-committees to review the three top priorities established by the Board to bring the Zoning Ordinance into alignment with the Comprehensive Plan.

**Next Steps:** Sub-committees to research issues and make presentations to the Planning Commission during July, 2009.

**Last Updated:** 05/26/09

**(20) Directional Signs for Motels on Bypass:**

**Recent Activity:** Virginia Logos has processed the applications and is ordering the construction of the signs. Expected installation during summer 2009.

**Next Steps:** Waiting for installation of signs by Virginia Logos.

**Last Updated:** 05/26/09

**(21) Water/Sewer to Route 210 Interchange:**

**Recent Activity:** County has obtained all easements along Riverview Road with the exception of two (2); County Attorney is commencing quick-take condemnation acquire said missing easements; Bid documents have been released; Bid award pending; Construction of the water and sewer lines will be done in the first phase of the construction of the Lynchburg Adult Detention Center in upcoming months; Status update meeting on this subject occurred with County Attorney, D. Proffitt, and D. French held on 4/29/09; Notices of Condemnation Letters to be sent by County Attorney; Public hearing to occur on condemnation at second BOS meeting in June

**Next Steps:** Obtain final two (2) easements, award bids; begin Phase I construction

**Last Updated:** 05/27/09

**(22) Riveredge Park:**

**Recent Activity:** The plans for the park are currently being reviewed by the Bureau of Capital Outlay Management (BCOM) in the Virginia Department of General Services. Following an initial review the A&E firm for the County submitted comments and revised plans. Consultant has been authorized to revise plans to meet BCOM requirements.

**Next Steps:** Awaiting completion of review by BCOM

**Last Updated:** 05/26/09

**(23) Blue Ridge Railway Trail:**

**Recent Activity:** An application for grant funding was submitted to VDOT in November. Grant awards will be announced in June

**Next Steps:** Awaiting announcement of grant awards by the Commonwealth Transportation Board and Nelson County contractor award.

**Last Updated:** 05/26/09

**(24) Convenience Center Development:**

**Recent Activity:** The Board authorized the preparation of plans and bid documents for the expansion of the Coolwell Convenience Center and closure of the open container site at the landfill. Attempts to locate land for the construction of a convenience center near the open container site on Route 60 West are ongoing.

**Next Steps:** Site Plans for expansion of the Coolwell Convenience Center will be presented to Planning Office by June 1, 2009. Attempts to locate a site for the Route 60 West site will continue.

**Last Updated:** 05/26/09

**(25) GIS:**

**Recent Activity:** Data sets are currently being reviewed by the Commission of the Revenue's office for accuracy. The new site will include real estate tax parcels data and mapping. The data review process will likely not be completed until September 2009.

**Next Steps:** Launch of site

**Last Updated:** 05/26/09

**(26) Panther Mountain Tower Access:**

**Recent Activity:** Negotiations continue regarding access to the County tower on Panther Mountain; Letter sent to M. Saunders by the County Attorney requesting a meeting to further the negotiations on 5/27/09

**Next Steps:** Meet with M. Saunders; Report meeting information to BOS at upcoming meeting

**Last Updated:** 05/27/09

**(27) Human Resources Position and Personnel Plan:**

**Recent Activity:** The Personnel Plan Committee presented the Board with a draft of the revised Personnel Plan at the March 3, 2009 meeting; the County Administrator and Deputy County Administrator presented the Board with a draft RFP for Human Resources services at the March 17, 2009 meeting;

Request sent via teleconference and email by County Attorney to S. Preston (Amherst County Library Director) regarding including an administrative leave with pay section to Personnel Plan on 4/23/09; Status email received by County Attorney from S. Preston on 4/27/09 informing that said new section has been sent to Personnel Plan Review Committee from comment

**Next Steps:** Wait for review of new administrative leave section comment by Personnel Plan Review Committee; Upon receipt of said review comments; bring to BOS for comment/review at upcoming meeting

**Last Updated:** 05/26/09

**(28) CVTC Renovations:**

**Recent Activity:** The County continues to meet with CVTC and closely monitor plans for the renovation of facilities and the future use of buildings and land which will no longer be needed by CVTC. Recent meetings included review of conceptual drawings for new facilities on the CVTC campus.

**Next Steps:** Interim County Administrator and County Attorney plan to attend the next meeting scheduled for 11:00 a.m., June 23, 2009.

**Last Updated:** 05/26/09

**IN RE: RESOLUTION APPROVING AND ADOPTING CONTRACTS WITH APCo AND THE AUTHORIZATION OF THE ACTING COUNTY ADMINISTRATOR TO SIGN CONTRACT**

VACo/VML have jointly contracted with legal services to negotiate electric rates for its members for quite a few years. The most recent contractual arrangements expired some time last year and negotiations have been underway since that time. A new contractual arrangement has been established, which should result in energy cost savings to Amherst County.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the resolution of VML/VACo/Appalachian Power Company Steering Committee;

**WHEREAS**, the VML/VACo/Appalachian Power Company (“APCo”) Steering Committee (the “Committee”) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of APCo the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service of street lights by aforesaid governmental units from APCo as a single source provider; and

**WHEREAS**, APCo has agreed with the Committee to furnish counties, cities, towns and other political subdivisions (“Public Authorities” or “Pas”) in its service area such electric services as shall be purchased for governmental facilities for a three year term commencing on July 1, 2009 at rates which parallel those approved by the Virginia State Corporation Commission for regulated customers and APCo has also agreed to provide an aggregate total rate surcredit to the PA class of customers amounting to \$5.25 million over the three year contract term; and

**WHEREAS**, such agreement shall also provide, among other things, that APCo will install appropriate meters to measure the future PA class load, and upon termination of such contracts to supply PA load data, cost of service analysis, and to negotiate with representatives of the PA class in good faith on a cost of service basis for further contracts; and

**WHEREAS**, if applicable, APCo also will furnish street lighting service to Pas on a three year contract, commencing on July 1, 2009; and

**WHEREAS**, on advice and recommendation of the Committee, the terms of such agreements and contracts which so provide, including the rates, are deemed fair and reasonable; and further that APCo is the sole practical source for the electric services required by this County of Amherst; and

**WHEREAS**, contracts for such electric services, including such as relate to street lighting, if applicable, for three years, commencing July 1, 2009, which have been reviewed by the Committee, its counsel and consultants, and approved as to form by the County of Amherst's Attorney, have been duly presented to the meeting and considered,

**NOW THEREFORE BE IT RESOLVED**, on motion duly made and seconded, the following resolutions are duly adopted:

1. That the contracts referred to above for the provision of electric services to Amherst County by Appalachian Power Company for a three year term commencing on July 1, 2009 are hereby approved and adopted; and
2. That the Acting County Administrator is hereby authorized to execute and deliver said contracts to Appalachian Power Company for and on behalf of the County of Amherst

Amherst County Board of Supervisors

By: \_\_\_\_\_  
David R. Proffitt, Acting County Administrator

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

**IN RE: BOARD OF SUPERVISORS COMMENTS**

Mr. Vandall moved to bring the personnel manual and code of ethics back to the next board . meeting. Mr. Vandall also said he could not attend the joint meeting with the EDA unless moved to a moved to a more open place and the public could attend.

Mr. Kidd concurred with Mr. Vandall.

Mr. Parrish also agreed.

Mr. Adams moved to move location to the School Board meeting room and provide a box lunch.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

Mr. Parrish – None

Mr. Vandall nothing else.

Mr. Parrish instructed the County Attorney to proceed with investigation of leak of information.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood

NAY: None

Mr. Vandall wants staff to look at what the process for going ahead with investigation.

Mr. Adams check with Virginia State Police

Get report back at meeting on June 10.

Mr. Adams – biosolids, contractors reevaluate, final analysis on personal property tax next meeting, Mr. Callahan – Monacan Park – law enforcement.

Regarding the applications for county administrator – Mr. Vandall wants the board to view the applications first.

**IN RE: APPROPRIATIONS/TRANSFERS**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following appropriations and transfers:

**a. APPROPRIATIONS**

**BOARD OF SUPERVISORS**

11010	2013	Education Assistance	\$ 600.00
(General Fund - Jeremy Bryant, Director of Planning, Rebecca Linton, Sergeant/EMT-B, Amherst County Sheriff's Office and Tracie Lann, Central Accounting)			
81090	3002-600	Professional Services	\$40,000.00
(Contract agreed to March 3, 2009)			

**SHERIFF'S DEPARTMENT**

31020	3004-100	Auto Repairs – Ins.	\$ 611.25
31020	3004-100	Auto Repairs – Ins.	\$ 175.00
31020	3004-100	Auto Repairs – Ins.	\$ 6,966.32
(Pass through insurance claims)			
31020	3002	Professional Services	\$ 350.00
31020	5410	Uniforms	5,176.50
31020	5449	Tires	1,053.44
(Fine revenue)			
31020	5410	Uniforms	\$ 159.00
31020	5409	Police Supplies	70.55
31020	7009	Misc. equipment	122.00
33010	3001	Medical	\$ 303.14
(Pass through revenue – deposited with Donald T. Wood)			
31250	1008	DMV Compensation	\$ 7,823.33
31250	7001	Equipment	\$ 3,954.50
(Pass through revenue)			

**ANIMAL CARE AND CONTROL**

35010	7005	Auto Repairs – Ins.	\$ 8,265.00
(Pass through insurance claims)			

**SOLID WASTE**

42050	3004-100	Repairs – Ins. Claims	\$ 546.51
(Pass through insurance claim)			

**b. TRANSFERS**

**COMMISSIONER OF REVENUE**

Transfer from:

12090	5201	Postal Services	\$ 300.00
-------	------	-----------------	-----------

Transfer to:

12090	5401	Office Supplies	\$ 300.00
-------	------	-----------------	-----------

**REGISTRAR**

Transfer from:

13020	3007	Advertising	\$ 75.00
13020	5201	Postal Services	445.68
13020	5201	Postal Services	200.00

Transfer to:

13020	5203	Telecommunications	\$ 75.00
13020	5504	Travel-Education	445.68
13020	5501	Travel	200.00

**SHERIFF'S DEPARTMENT**

Transfer from:

31020	7005	Vehicle	\$5,625.00
31020	3005	Maint SVC	1,000.00
33010	3005	Maint SVC	700.00
33010	5504	Travel	45.00
33010	5804	Pre-employment	515.00

Transfer to:

31020	3016	Radio Repairs	\$ 400.00
31020	3015	Repair Furniture & Fixtures	62.00
31020	5203	Telecommunications	1,183.00
31020	5401	Office Supplies	200.00
31020	5409	Police Supplies	350.00
31020	5449	Tires	1,000.00
31020	5804	Misc	130.00

Transfer to:

31020	3016	Radio Repair	\$ 400.00
31020	3015	Repair Furniture & fixtures	62.00
31020	5203	Telecommunications	1,183.00
31020	5401	Office Supplies	200.00
31020	5409	Police Supplies	350.00
31020	5449	Tires	1,000.00
33010	3004	Building Repairs	4,000.00
33010	5409	Police Supplies	500.00
33010	5449	Tires	60.00

**PUBLIC SAFETY**

Transfer from:

32030	5690	Local Share Vehicle Registration	\$7,905.82
32030	5605	Contribution Gladstone Rescue	\$5,817.00
32070	5504	Training & Education	\$ 484.28

Transfer to:

32070	5404	Medical Supplies	\$7,905.82
32070	7001	Equipment	\$5,817.00
32070	3010	Contract Service	\$ 484.28

**PLANNING & ZONING**

Transfer from:

81010	5203	Telecommunications	\$ 200.00
-------	------	--------------------	-----------

Transfer to:

81010	5501	Travel	\$ 200.00
-------	------	--------	-----------

**PUBLIC SAFETY/EMS**

16000-1304	EMS Fees for Services	\$17,283.58
------------	-----------------------	-------------

This is not a request for an appropriation. This is information for the board of reduction in revenue received from DAB by means of Department of Medical Assistance Services (DMAS).

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
 NAY: None

**IN RE: CLOSED SESSION**

Mr. Adams moved to go to closed session to discuss a (1) personnel matter and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to § 2.2-3711.A.1, and 7 of the Virginia Code Section.

§2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
 NAY: None

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

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

Mr. Parrish moved the closed session resolution and was approved with the following roll call vote:

Mr. L. Parrish	AYE
Mr. C. Adams	AYE
Mr. D. Kidd	AYE
Mr. R. Vandall	AYE
Mr. V. Wood	AYE

**CERTIFICATION OF CLOSED MEETING**

**WHEREAS**, the Amherst County Board of Supervisors has convened a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2-3712 of the Code of Virginia requires a certification by the Amherst County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

**NOW, THEREFORE, BE IT RESOLVED** that the Amherst County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Amherst County Board of Supervisors.

Any member who believes that there was a departure from the requirements of clauses (i) and (ii) shall state the substance of the departure that, in his judgment, has taken place. (If any member cites a departure, his statement shall be recorded in the minutes.)

**IN RE: ADJOURN**

On motion of Mr. Vandall, seconded by Mr. Wood and with the following vote, the Board of Supervisors moved to adjourn until 7:30 p.m. at the Amherst County High School for student recognition program.

AYE: Mr. L. Parrish, Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall and Mr. V. Wood  
NAY: None

**IN RE: STUDENT RECOGNITION**

**Present: Mr. L. Parrish, Mr. R. Vandall and Mr. V. Wood**  
**Absent: Mr. C. Adams and Mr. D. Kidd**

**AMHERST COUNTY BOARD OF SUPERVISORS  
AMHERST COUNTY HIGH SCHOOL AUDITORIUM  
JUNE 2, 2009**

**7:30 P.M.**

**WELCOME:** William Gouldthorpe, Activities Director  
Amherst County High School

**INTRODUCTION:** Leon Parrish, Chairman  
Amherst County Board of Supervisors

**PRESENTATION  
Of AWARDS:** Chairman Parrish and  
David Proffitt, Assistant County Administrator

**\*\*\*\*ACHS FORENSICS**

- |                     |                         |
|---------------------|-------------------------|
| 1. Allyssa Knight   | 11. Catey Doss          |
| 2. Rachel Voss      | 12. Lauren Jones        |
| 3. Mason Thomas     | 13. Ross Zabloski       |
| 4. C. J. Claxton    | 14. Cody Morris         |
| 5. Courtney Madison | 15. Deve Logwood        |
| 6. Jessee Franklin  | 16. Coach Rita Hartless |
| 7. Ben Payne        |                         |
| 8. Travis Barbour   |                         |
| 9. Hunter Duffield  |                         |
| 10. Jarred Brown    |                         |

**\*\*\*\*ACHS GIRLS'S INDOOR TRACK**

- |                     |   |
|---------------------|---|
| 1. LaClear Hubbard  | 11. Jacqui Wendland                       |
| 2. Candance Davis   | 12. Jessie Schnurer                       |
| 3. Shauna Kyle      | 13. Coaches – Lance Carter, Derrick Brown |
| 4. Jericah Glover   |   |
| 5. Olivia Turner    |   |
| 6. Emily Moore      |   |
| 7. Joni McGinn      |   |
| 8. Danielle Granger |   |
| 9. Candance Turner  |   |
| 10. Titana Aaron    |   |

**\*\*\*\* ACHS FOOTBALL TEAM**

- |                      |                     |
|----------------------|---------------------|
| 1. Anthony Rose      | 29. Gage Berry      |
| 2. Darius Reynolds   | 30. Matt Shelton    |
| 3. Chris McDaniel    | 31. Kevin Rose      |
| 4. Wayne Farmer      | 32. Nick Collins    |
| 5. Jamar Gover       | 33. Damien Carter   |
| 6. Kirby Anderson    | 34. Antjuan Harvey  |
| 7. Devonte Brown     | 35. Sean Clark      |
| 8. Corey Mays        | 36. Ray VanAusdal   |
| 9. Demitri Carter    | 37. Timmy Johnson   |
| 10. Sam Scott        | 38. Jerry Martin    |
| 11. Tyler Dawson     | 39. Darius Byrd     |
| 12. Jeremy Dixon     | 40. James Rogers    |
| 13. Lamar Richardson | 41. David Hayes     |
| 14. Michael Pierce   | 42. Tevin Massie    |
| 15. Tyrease Brown    | 43. Dillon Rush     |
| 16. Damien Chilton   | 44. Justin Campbell |
| 17. Mario Vaughan    | 45. Charles Eubanks |
| 18. Jordan Johnson   | 46. Tre Bryan       |
| 19. Sage Mays        | 47. Cody Stinnett   |

- 20. Cody Duff
- 21. Trevor Woodwon
- 22. K. B. Bennett
- 23. Lakendrae Rose
- 24. A. J. Parrish
- 25. Charles Lee
- 26. Greg Ware
- 27. Cameron Cofflin
- 28. Tristan Bennett
- Coaches – Cecil Phillips, Michael Crist, Josh Woods, Dennis Peters,  
Mike Padgett, Lance Carter, Joey Crawford and Branden Stanbery
- 48. Suave Hunt
- 49. Thomas Sandidge
- 50. William Burch
- 51. Taylor Grubbs
- 52. Jaze Spradley
- 53. Kevin Wright

**CLOSING REMARKS:**

**CHAIRMAN PARRISH**

**IN RE: ADJOURN**

On motion of Mr. Wood, seconded by Mr. Parrish, the Board of Supervisors moved to continue this meeting to 9:30 a.m., June 4, 2009, Administration Building, School Board meeting room for a stimulus financial meeting with Shannon Valentine and then the graduation exercise Thursday night at 7:00 p.m. at the Vine Center in Lynchburg..

AYE: Mr. L. Parrish, Mr. R. Vandall and Mr. V. Wood

NAY: None

ABSENT: Mr. C. Adams, Mr. D. Kidd

\_\_\_\_\_  
Leon J. Parrish, Chairman

\_\_\_\_\_  
David R. Proffitt, Acting County Administrator