

**BOOK 32****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 1<sup>st</sup> day of May, 2007 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

PRESENT:	Mr. R. Vandall	ABSENT: None
	Mr. J. Albert	
	Mr. V. Wood	
	Mr. L. Parrish	
	Mr. T. Fore	

Chairman Vandall called the meeting to order.

Mr. Parrish opened with prayer and led in the pledge of allegiance to the flag.

**IN RE: APPROVAL OF AGENDA**

Mr. Fore moved approval of the agenda with the following amendments:

- 1) Moving the item from Matters from the Board of Supervisors to Special Appearance
  - c. Monroe United Methodist Church's 100<sup>th</sup> Year Anniversary
- 2) Add: Department Reports
  - e. Forest Fire Activity
- 3) Add two items to closed session for prospective industry

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore

NAY: None

**IN RE: PRESENTING RESOLUTION IN APPRECIATION TO WILLIAM R. TINSLEY**

Mr. Vandall read and presented the following *Resolution of Appreciation* to William R. Tinsley for his service on the Amherst County Parks, Recreation and Cultural Development Board:

**RESOLUTION IN APPRECIATION OF WILLIAM R. TINSLEY**

**WHEREAS**, William R. Tinsley served on the Amherst County Parks, Recreation & Cultural Development Board from October 7, 1997 through December 31, 2006 representing District 2; and

**WHEREAS**, William R. Tinsley served in the positions of Chairman and Vice chairman the majority of the time he served; and

**WHEREAS**, William R. Tinsley has actively contributed his leadership and experience to enhance recreational services for the residents of Amherst County.

**NOW AND THEREFORE BE IT RESOLVED** by the Amherst County Board of Supervisors that it hereby thanks and commends William R. Tinsley for capably and diligently serving on the Amherst County Parks, Recreation & Cultural Development Board, and his unfailing commitment to make Amherst County a better place for all of us to live.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore

NAY: None

**IN RE: RESOLUTION RECOGNIZING MONROE UNITED METHODIST CHURCH'S 100<sup>TH</sup> YEAR ANNIVERSARY**

Mr. Vandall read the following *Resolution* in recognition of Monroe United Methodist Church's 100<sup>th</sup> year anniversary.

On motion of Mr. Fore and with the following vote, the Board of Supervisors presented the resolution to Calvin Allen.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

**IN RE: DOMINION ACRES GROUP, LLC – THOMAS C. BROOKS, JR.**

The County Administrator presented a request from Acres of Virginia for a utility easement across Amelon Industrial Park property.

On motion of Mr. T. Fore and with the following vote, the Board of Supervisors deferred action on the request for a sanitary sewer easement across Amelon Industrial Park from the rear line and connecting to an existing sanitary sewer easement for the Dominion Acres Group until the June 19, 2007 meeting.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

**IN RE: SCHOOL BOARD RESOLUTION OF APRIL 5, 2007 REQUESTING SUPPLEMENTAL APPROPRIATION**

School Superintendent John Walker met with the Board and presented a request for a supplemental appropriation of additional funding for the 2006-2007 school session.

**Federal and State Funding**

Clinical Faculty Payments	\$38,500.00
Mentor Teacher Grant	\$ 4,715.00

**Local Funding**

Transportation of Students	\$ 3,000.00
GED Local Funds	\$ 5,000.00

**TOTAL** **\$51,215.00**

On motion of Mr. Fore and with the following vote, the Board of Supervisors approved the request from the School Board for a supplemental appropriation of \$51,215.00 to the 2006-2007 school revenue and expenditure budget.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

The Board of Supervisors received a status report of current school activities from Dr. Walker.

**IN RE: CITIZEN COMMENTS**

The Board of Supervisors received comments from the following citizens: Donald Kidd, Gary Jennings, Mark Labadie, John Patterson and Robert Fener.

Mr. Fore temporarily left meeting.

**IN RE: CONSENT AGENDA**

- a. Board of Supervisors minutes – April 3 (1:00 pm), April 16 (7:00 pm), April 17, (7:00 pm) and April 24 (9:00 am)

On motion of Mr. J. Albert and with the following vote, the Board of Supervisors approved the minutes of April 3 (1:00 pm), April 16 (7:00 pm), April 17, (7:00 pm) and April 24 (9:00 am).

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

- b. Amherst County Animal Control monthly report – March 2007
- c. Economic Development Authority minutes – February 14, 2007 and March 14, 2007
- d. Department of Health – Notice of violation – April 10, 2007
- e. VDOT – Traffic Alerts – April 23-27 and April 30-May 4, 2007  
Information Only

Mr. Fore returned to meeting.)

**IN RE: DEPARTMENT OF PLANNING**

Jeremy Bryant, Planning Director, met with the Board and presented the following cases for the 1<sup>st</sup> reading of proposed ordinance amendments.

- a. Case 2007-10 – Sec. 1203. Preparation of preliminary plat
- b. Case 2007-11 – Sec. 1302.02. Package Plants
- c. Case 2007-12 – Sec. \_\_\_\_\_. Mass drainfields
- d. Case 2007-16 - Article XI. Site Plan Review Requirements
- e. Case 2007-17 – Article III. Erosion and Sediment Control

**IN RE: DEPARTMENT OF PUBLIC SAFETY**

- a. Reappointment of Bill Camm to the Emergency Services Council.

Mr. Roakes presented information regarding reappointment of Bill Camm to the Emergency Service Council.

On motion of Mr. Wood and with the following vote, the Board of Supervisors reappointed William “Bill” Camm to the Emergency Service Council for a four year term to expire August 31, 2011.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

**IN RE: REQUEST FOR ADDITION OF COUNTY EMS PERSONNEL**

Mr. Roakes presented information to the Board regarding the addition of County EMS personnel.

On motion of Mr. Fore and with the following vote, the Board of Supervisors approved the recommendation from the Public Safety Director to increase the quantity of County EMS personnel from six to eleven to accommodate increased staffing needs with funding for these positions to be covered by the Revenue Recovery Program based on current call volume.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

**IN RE: REQUEST TO PURCHASE COUNTY MAPS**

Mr. Roakes proceeded to present information regarding purchase of 5000 county maps.

On motion of Mr. Albert and with the following vote, the Board of Supervisors approved the appropriation of up to \$8,200 from the unobligated general fund balance for purchase of county maps with the understanding that Mr. Roakes will review the most efficient quantity of maps to be purchased.

AYE: Mr. S. Ray Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore

NAY: None

**IN RE: LEO RESOLUTION**

Mr. Roakes proceeded to present information regarding LEO's benefit for Public Safety.

On motion of Mr. Fore and with the following vote, the Board of Supervisors approved a *Resolution* allowing the coverage of full-time salaried emergency medical technicians to be covered under the special benefits at the option of the political subdivision to become effective July 1, 2007.

**RESOLUTION**

**Be it resolved** that the County of Amherst, Virginia, a political subdivision currently participating in the Virginia Retirement System under provisions of Title 51.1, Chapter 1, Article 5 of the Code of Virginia, as amended, acting by and through its Board of Supervisors, does hereby elect to have such of the employees of the County who are employed in positions as full time salaried emergency medical technicians and whose tenure is not restricted as to temporary or provisional appointment, to become eligible, effective July 1, 2007, to be provided benefits in the Virginia Retirement System equivalent to those provided for State police officers of the Department of State Police, as set out in Section 51.1-138 of the Code of Virginia, in lieu of the benefits that would otherwise be provided as such provisions have been or may be amended from time to time, and the County agrees to pay its cost for participation of such employees becoming covered hereunder.

**Be it further resolved** that Ray Vandall, Chairman of the Board of Supervisors, and Rodney Taylor, Clerk, be and they are hereby authorized and directed in the name of the County to execute any required contract in order that the benefits equivalent to those provided for State police officers of the Department of State Police. In execution of any contract which may be required, the seal of the County shall be affixed and attested by the Clerk, and said officers of the County be and they are hereby authorized and directed to do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The Treasurer of the County be and he is hereby authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County and its employees for this purpose.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore

NAY: None

**IN RE: FOREST FIRE ACTIVITIES**

Mr. Roakes, Public Safety Director, provided a report on the recent forest fire fighting activities.

**IN RE: AMHERST PLANTATION SUBDIVISION**

Mr. Proffitt, Purchasing Agent, presented information regarding performance of a traffic study in Amherst Plantation Sub-Division.

Donald Kidd, President of the Amherst Plantation Subdivision homeowners provided further information regarding this matter.

There was a consensus of the Board of Supervisors to reduce the number of roads for which the study is to be performed to three and directed the Purchase Agent to report with the revised cost at the next regular board meeting.

**IN RE: PROPOSED AMENDMENT CHAPTER 2 (ADMINISTRATION), ARTICLE I. (IN GENERAL) §2-5. (COURTHOUSE SECURITY FEE)**

On motion of Mr. Fore and with the following vote, the Board of Supervisors directed staff to advertise for a public hearing for amendment of Chapter 2 (Administration), Article I. (In General) §2-5. (Courthouse security fee) increasing the fee from five (\$5.00) dollars to ten (\$10.00).

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

b. Safety Policy Statement

The County Administration presented the Amherst County Safety Policy Statement.

On motion of Mr. Fore and with adoption of the Safety Policy Statement, effective May 1, 2007 as presented.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

c. Board of Assessor Appointment

The County Administrator presented information regarding a Board of Assessors appointment.

It was the consensus of the Board of Supervisors to investigate potential candidates for the Board of Assessors and discuss the matter further at the next regular Board of Supervisors meeting.

Mr. Albert left meeting temporarily.

**IN RE: SEC. 7-1. PUBLIC ENTERTAINMENTS, AUDITORIUMS OR AREAS**

The County Administrator presented information on proposed ordinance amendments for Sec. 7-1 (Public entertainments, auditoriums or arenas).

On motion of Mr. Fore and with the following vote, the Board of Supervisors directed the County Administrator to advertise for public hearing Chapter 7 (Licenses, Permits and Business Regulations) Article I. (In General), §7-1 (Public entertainments, auditoriums or arenas).

AYE: Mr. R. Vandall, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None  
ABSENT: Mr. J. Albert

**IN RE: PROPOSED ORDINANCE TO REGULATE ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES AND PARKING**

The County Attorney presented information on a proposed vehicle towing policy.

On motion of Mr. Fore and with the following vote, the Board of Supervisors directed staff to advertise for public hearing the following proposed vehicle towing policy:

**AN ORDINANCE TO REGULATE ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES, AND PARKING**

**I. ABANDONED VEHICLES**

A. Definitions

As used in this ordinance:

"Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property, other than an interstate high-way or primary highway, for more than forty-eight hours, or
2. Has remained illegally on public property for more than forty-eight hours, or
3. Has remained for more than forty-eight hours on private property without the consent of the property's

owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property, or

4. Is inoperable, left unattended, or both, on an interstate highway, or
5. Is inoperable, left unattended, or both, on the shoulder of a primary highway.

*"Inoperable abandoned motor vehicle"* means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the Amherst County Commissioner of Revenue, is less than the cost of its restoration to an operable condition.

#### B. Taking abandoned vehicles into custody

Abandoned vehicles may be taken into custody and disposed of in accordance with this ordinance.

The Amherst County Sheriff, or his designee, may take any abandoned motor vehicle into custody. The Sheriff may employ his own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

#### C. Notice to owner of vehicle taken into custody

The Sheriff, or any designee thereof that takes an abandoned motor vehicle into custody shall, within fifteen days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; and (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle and (ii) consent to the sale of the abandoned motor vehicle at a public auction.

If records of the Virginia Department of Motor Vehicles contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this ordinance as to any person who cannot be notified pursuant to the foregoing provisions of this section. Notice by publication may contain multiple listings of abandoned motor vehicles. Any notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.

The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

#### D. Sale of vehicle at public auction; disposition of proceeds

If an abandoned motor vehicle is not reclaimed as provided for in Section I (C) of this ordinance, the Sheriff or his designee shall, notwithstanding the provisions of Va. Code § 46.2-617, sell it at public auction. The purchaser of the motor vehicle shall receive a sales receipt at the auction. From the proceeds of the sale of an abandoned motor vehicle the Sheriff, or his designee, shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section I (C) of this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 90 days, and then be deposited into the treasury of Amherst County.

#### E. Disposition of inoperable abandoned vehicles

Notwithstanding any other provisions of this ordinance, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this ordinance may be disposed of to a demolisher, without the title and without the notification procedures, by the person or Amherst County on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle shall notify the Virginia Department of Motor Vehicles on forms and in the manner prescribed by the Commissioner of the Virginia Department of Motor Vehicles. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

#### F. Certification of disposal

The Sheriff, or his designee, shall certify to the Commissioner of the Virginia Department of Motor Vehicles on forms provided by the Virginia Department of Motor Vehicles that an inoperable abandoned motor vehicle left on property within Amherst County has been disposed of as provided in Section I (D) of this ordinance, or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the Sheriff, or his designee.

## II. IMMOBILIZED AND UNATTENDED VEHICLES

### A. Temporary removal and disposition of vehicles involved in accidents

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the Amherst County Sheriff, or his designee, may (i) at no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Virginia Department of Motor Vehicles and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

### B. Removal and disposition of unattended or immobile vehicles

1. The Amherst County Sheriff, or his designee, may remove for safekeeping, motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

- a. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
- b. It is illegally parked;
- c. It is left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant;
- d. It is immobilized on a public roadway by weather conditions or other emergency situation.

2. Removal shall be carried out by or under the direction of a law-enforcement officer. Motor vehicles, trailers, semitrailers, and parts thereof shall not be removed from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the Sheriff, or his designee, and Amherst County against any loss or expense incurred by reason of removal, storage, or sale thereof. It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four days without being moved. As promptly as possible, each removal shall be reported to the County Administrator and to the owner of the motor vehicle, trailer, or semi-trailer. Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Virginia Department of Motor Vehicles against the motor vehicle, trailer, semitrailer, or part of a motor

vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Sections I (A) through (F) of this ordinance.

C. Sale of personal property found in unattended or abandoned vehicles

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semi-trailer may be sold incident to the sale of the vehicle as authorized in this ordinance.

### III. TRESPASSING VEHICLES, PARKING, AND TOWING

A. Removal or immobilization of motor vehicles against which there are outstanding parking violations

Any motor vehicle parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within Amherst County or in an adjacent locality designated by the Amherst County Sheriff for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law-enforcement personnel. The removal or immobilization of the vehicle shall be by or under the direction of, an officer or employee of the sheriff's office.

It shall be the duty of the law-enforcement personnel removing or immobilizing the motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law-enforcement personnel.

The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the out-standing parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in Va. Code § 46.2-1213.

B. Regulation or prohibition of vehicular traffic on certain privately owned public parking areas and driveways; penalties

1. This section shall be applied to and enforced in a specific center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the Amherst County Sheriff.

2. No person shall drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three or more times within a two-hour period from 6:00 p.m. to 4:00 a.m. Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to shopping centers or other buildings open to the public; or interference with the use of property or conduct of business in the area adjacent thereto. At every point where a public street or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates "No-Cruising" areas and times.

*"Traffic control point,"* as used in this section, means any point or points within the no-cruising area established by the Amherst County Sheriff for the purpose of monitoring cruising.

No violations shall occur except upon the third passage past the same traffic control point within a two-hour period.



No area shall be designated or posted as a no-cruising area except upon the passage of a resolution by the Board of Supervisors specifically requiring such designation and posting for a particular area.

This section shall not apply to in-service emergency vehicles, taxicabs for hire, buses, and other vehicles being used for business purposes.

Where there is a violation of any provision of this section, a law-enforcement officer shall charge such violation on the uniform traffic summons form. Any person violating the ordinance shall, upon conviction, be subject to a fine of twenty-five dollars.

Any person convicted of a second or subsequent violation of this section may be punished by a fine of not less than \$ 50 nor more than \$ 100 for each succeeding violation.

#### C. Parking, stopping, and standing regulations; presumption as to violation; penalty

The Amherst County Sheriff is hereby designated as the official to administer the provisions of this ordinance. The Sheriff is hereby delegated the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due.

The parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles shall not be prohibited.

Any regulation of parking on an interstate highway or any arterial highway or any extension of an arterial highway shall be subject to the approval of the Commonwealth of Virginia Transportation Commissioner.

In any prosecution charging a violation of this ordinance or regulation promulgated here-under, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Va. Code Chapter 6 (§ 46.2-600 et seq.) of title 46.2, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

#### D. Parking within fifteen feet of, or obstructing fire hydrant; parking over water meters; presumption as to violation

Parking within fifteen feet of any fire hydrant or in any way obstructing a fire hydrant is prohibited.

Parking over top of a water meter or in any way obstructing a water meter is prohibited.

In any prosecution charging a violation of this section or any regulation promulgated pursuant hereto, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Va. Code Chapter 6 (§ 46.2-600 et seq.) of title 46.2, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

#### E. Prohibition of certain parking in streets and highways

1. No person shall park any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

2. Any violation of the provisions of this section shall be a traffic infraction.

#### F. Enforcement provisions

1. Uncontested payment of parking citation penalties shall be collected and accounted for by the Amherst County Treasurer;

2. Contest by any person of any parking citation shall be certified on an appropriate form, to the Amherst County General District Court, by the Treasurer; and

3. The Treasurer shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Every action to collect unpaid parking citation penalties imposed for violation of this ordinance shall be commenced within three years of the date upon which such penalty became delinquent.

G. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges

The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including Amherst County, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the nonemergency telephone number of the Amherst County Sheriff's Office or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location.

Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the Amherst County Sheriff's Office. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than \$ 100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.

All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent.

Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$ 25, in lieu of towing.

In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The charge for the removal of any boot or device shall not exceed \$ 25. In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have the Amherst County Sheriff, or his designee, issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to Va. Code § 46.2-1220 or § 46.2-1221 to the registered owner of the vehicle.

This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

Draft of 4/5/07

AYE: Mr. R. Vandall, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None  
ABSENT: Mr. J. Albert

Mr. Albert returned to the meeting.

**IN RE: AMHERST COUNTY'S ASSIGN-A-HIGHWAY PROGRAM**

The County Administrator presented information regarding Amherst County's Assign A-Highway Program.

On motion of Mr. Fore and with the following vote, the Board of Supervisors adopted the following Amherst County's Assign-A-Highway Program resolution:

**RESOLUTION**

**Amherst County's Assign-A-Highway Program**

**WHEREAS**, the Amherst County Board of Supervisors and the Sheriff have made it a priority to clean up Amherst County's highways, streets and roads as well as streams, lakes, parks, dumpsites, landfills, recycling centers, convenience centers, and any other litter hot spots;

**WHEREAS**, Amherst County believes that the Assign-A-Highway Program will improve tourism and the natural beauty of our region and that the proposed Assign-A-Highway Program will protect the health, safety and welfare of the citizens of Amherst County;

**WHEREAS**, the Amherst County Circuit Court, the Amherst County General District Court and the Amherst County Juvenile and Domestic Relations District Court, based upon their constitutional and statutory powers and authorities, may assign criminal defendants and probationers to pick up litter along Amherst County's highways, streets, roads, streams, lakes, parks, dumpsites, landfills, recycling centers, convenience centers and any other litter hot spots, as part of the courts' probation powers;

**WHEREAS**, the Amherst County Board of Supervisors strongly believes that the Amherst County Litter Control Officer(s) working in conjunction with the Circuit Court of Amherst County, General District Court of Amherst County and Juvenile and Domestic Relations District Court of Amherst County, can develop a program to abate the litter on Amherst County's highways, streets, roads, streams, lakes, parks, dumpsites, landfills, recycling centers, convenience centers and any other litter hot spots.

**NOW THEREFORE BE IT RESOLVED** that the Amherst County Board of Supervisors hereby establishes Amherst County's Assign-A-Highway Program for the health, safety, and welfare of its citizens and as outlined in a court order to be entered by the Amherst County Circuit Court, Amherst County General District Court and Amherst County Juvenile and Domestic Relations District Court;

**IT IS FURTHER RESOLVED**, that the Assign-A-Highway Program shall be modeled and authorized pursuant to the prospective court orders and that the prospective court orders shall be incorporated into the Resolution by reference.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

**IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS**

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

**a. APPROPRIATIONS**

Treasurer Department

12130	3004	Repairs & Maintenance	\$	525.50
12130	7002	Furniture & Fixtures		1,054.00
(Unobligated General Fund Balance)				

Sheriff's Department

16 3305	5804	DARE	\$	20,294.02
8 3130	7001	Equipment		1,000.00
31020	3004	Vehicle Repair		250.00
31020	1010	Narcotics Compensation		473.48
31020	5501	Travel		70.00
8 3125	1008	DMV Salary		4,117.62
(Pass through revenue deposited with Donnie Wood)				

Animal Control

35010	5410	Uniforms & Wear Apparel	\$	600.00
35010	3001	Rabies Treatment Vaccination		200.00
(Unobligated General fund Balance – New employee)				

Library

73010	5411	Books & Subscriptions	\$	88.23
73010	7001	Additional State Aid		105.00
73010	5411	Books & Subscriptions		43.83
(Pass through revenue)				

**b. TRANSFERS**Public Safety – EMSTransfer from:

32070	5410	Uniforms & Badges	\$	6,023.21
32070	5504	Training & Education		1,500.00

Transfer to:

32070	3002	Professional Services		6,000.00
32070	5501	Travel		1,523.21

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
 NAY: None

**IN RE; OLD BUSINESS**

- a. Proposed dry hydrant ordinance for initial review – (Referred to Planning Commission – public hearing July 17, 2007)
- b. Virginia retirement system: LEO provisions for public safety – Resolution on May 1, 2007 agenda
- c. Public Safety vehicle – waiting for reimbursement
- d. Safety Policy Statement – moved to May 1<sup>st</sup> agenda
- e. Convenience Centers
  - (1) Warrick Barn Convenience Center – time line being set
  - (2) Rt. 635 Convenience Center – time line being set
  - (3) Rt. 60 – time line being set
- f. Regional Solid Waste Plan – Public Hearing June 19, 2007

- g. Ebenezer and Cabell Lane – on going construction
- h. Riveredge Park – Consultant's interviewed Monday March 12, 2007 (contract under negotiation)
- i. Regional Jail – property plat to be considered by Blue Ridge Regional Jail Authority at May meeting
- j. Local tax relief thresholds – Commissioner of Revenue to provide report
- k. Fee Structure Entertainment Ordinance – May 1, 2007 agenda
- l. Construction of East & West Progress Lane – Commonwealth Transportation Board meeting in Richmond on May 17, 2007.
- m. Engineering costs incurred for Amelon Commerce Center – Joe Mullen investigating
- n. Parks & Recreation Ordinances – Attorney sending to Sheriff for review
- o. Speed limits for Amherst Plantation – (waiting for price quote for traffic study)
- p. Unsafe Building Updates
  - 1403 Colony Road- Tax map 157A-A-28-- Met with Tom Shrader 4/2/07 to begin legal proceedings to demolish house.
  - 368 Colony Road- Tax map 160A4-A-126-- Met with Tom Shrader 4/2/07 to begin legal proceedings to demolish house.
  - Lot 4 Morgan Estates- Tax map 147E-2-4-- I have a letter going out to Mr. Morgan complaining of inactivity. Giving him until May 1 to have the problems corrected. I am having letter delivered by Sgt. Givens 4/13/07. Mrs. Morgan informed Sgt. Givens they were in the process of selling the property.
  - 110 Sunset Drive- Tax map 160-A-11A-- House has been demolished and they are cleaning up the site. 4/10 there were about 2-3 loads left to be hauled. Met with contractor 4/12, he said owners ran out of money for landfill at this time. Hopefully problem will be resolved in the near future. If not addressed soon I will have to finish for them.
  - Allen's Creek Road and C&O Lane Tax- map 116-A-11--Owner out of the country, due back the end of March. Not back as of 4/11/07. Certified letter is being held by the Post Office awaiting his return.
  - 610 Muddy Branch Road -Tax map 65-A-24--Letter to Ms. Nelson delivered by Sgt. Givens on March 22, 2007, starting 30 day time limit. Contractor came in 3/29/07 to say he has a contract to demolish house and clean up the property. He asked if he could have until May to get to job due to prior commitments. I agreed since it would be only a week to 10 day extension of her time.
  - 489 Colony Road- Tax map 160-A- 51—3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. Letter to be delivered by Sgt. Givens 4/13/07. Dept. John Greisser is grandson of owner and handles all her affairs. He called me 4/18/07 saying he will tear house down as soon as possible. He is in the last stages of building a new house so that might slow him down a little but I am willing to work with him within reason.
  - Sunset Drive (no address)-Tax map 160-A-43--3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. Letter to be delivered by Sgt. Givens 4/13/07. Mr. Chumbley (83 years old & fixed income) called 4/19/07. He is not able to demolish house right now, has to talk with sisters. Will talk with me again when I get back from vacation about options available.
  - Riverville Road (no address)-Tax map? — 3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. There is some confusion over the tax map # & owner. I am doing research trying to find the owner. So far the Commissioner of Revenue, Planning & Zoning, Public safety and I have not been able to pinpoint the exact location on the map. I should be able to devote more time Thursday or Friday to finding the owner. I have found owner. Letter to be delivered by Sgt. Givens 4/13/07. Told Sgt. Givens he was not going to do anything, he didn't care what we did.
  - Next to 164 Church Street- Tax map160A3-A-65--3/28/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded.

The owner called in after seeing placard. He is looking into finding someone to tear it down for him. Letter to be delivered by Sgt. Givens 4/13/07.

- 102 Center Street-Tax map 155D-6-(49-53)—3/28/07 pictures taken, starting process of finding owner(s). Not sure I can cause house to be demolished. House is secure. Porch is falling so I am going to write owner and request porch be rebuilt. If that does not work then I will check with Mr. Shrader on legalities. Letter should go out 4/13/07 requesting owner to fix porch.
  - David Proffitt and I interviewed four (4) candidates for a contractor to demolish houses for the County. Contract awarded to W.E.L.
- q. CIP – review 1<sup>st</sup> meeting in June  
 r. CVCC – Preliminary design work complete – waiting on cost estimates  
 s. Animal Shelter Project – waiting for loan closing date from Rural Development

#### **IN RE: CECIL MASSIE PROPERTY**

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors directed the County Administrator to request the Commissioner of Revenue to remove the Cecil Massie property from the County's tax parcels, effective January 1, 2007 and to inform other county departments of this decision per the Attorney General's Opinion.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
 NAY: None

#### **IN RE: CLOSED SESSION**

Mr. J. Albert moved to go to closed session to discuss a (1) personnel matter, (5) matter relating to prospective business or industry or the expansion of an existing business or industry, (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, 2, 3, 4, 5, 6 or 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.5 - Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the community.

§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. V. Wood and approved with the following vote:

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
 NAY: None

Mr. L. Parrish moved to come out of closed session, seconded by Mr. J. Albert and approved with the following vote:

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
 NAY: None

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

Mr. R. Vandall	AYE
Mr. J. Albert	AYE

Mr. V. Wood	AYE
Mr. L. Parrish	AYE
Mr. T. Fore	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: SCHOOL BOARD APPOINTMENTS**

On motion of Mr. V. Wood and with the following vote, the Board of Supervisors moved to reappoint Elizabeth Gamble, District 2 representative, and Priscilla Ligon, District 4 representative, to the School Board for four (4) year terms to expire June 30, 2011.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

#### **IN RE: DEMOLITION OF THE PHELPS ROAD SCHOOL BUILDING**

On motion of Mr. Parrish and with the following vote, the Board of Supervisors directed the County Purchasing Agent to proceed with advertising for bids for the demolition of the Phelps Road School Building.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

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

On motion of Mr. J. Albert, seconded by Mr. L. Parrish and with the following vote, the Board of Supervisors moved to adjourn until 9:00 a.m., Friday, May 4, 2007.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, Mr. L. Parrish and Mr. T. Fore  
NAY: None

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S. Ray Vandall, Chairman  
Amherst County Board of Supervisors

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Rodney E. Taylor, County Administrator  
Amherst County Board of Supervisors