

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building jointly with the Planning Commission thereof on Tuesday, the 15th day of January, 2008 at 7:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

ABSENT: None

PLANNING COMMISSION:

PRESENT: Mr. L. Parrish, Mr. J. Fulcher, Ms. B. Limbrick, Mr. R. Fener and Mr. D. Hedrick

ABSENT: Ms. B. Jones

Chairman Wood called the meeting to order, opened with prayer and led in the pledge of allegiance.

Mr. Wood turned the floor over to the Planning Commission Chairman, Mr. Fulcher.

IN RE: PUBLIC HEARING – ZONING CASES

2007-11 Request by the County of Amherst for a zoning text amendment to Article XIII. Section 1301.01 which clarifies that family divisions and reconfigurations are exempt from the Subdivision Design Standards and Requirements. Additionally, changes are proposed in Section 1302.02 *Water and sewage facilities* of the Amherst County Zoning and Subdivision Ordinance. The proposed ordinance links the extensions of water and sewage lines to the designated growth boundaries outlined in the Amherst County Comprehensive Plan.

Proponents: Wendy Kendrick; Bill Peters; Mark McGruder, Steve Martin; Scott Strang and Tim Casper

Opponents: None

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Fener, the Planning Commission recommended approval of the proposed zoning text amendments as advertised.

AYE: Mr. L. Parrish, Mr. J. Fulcher, Ms. B. Limbrick, Mr. R. Fener and Mr. D. Hedrick

NAY: None

ABSENT: Mr. B. Jones

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, the Board of Supervisors approved the request for a zoning text amendment to Article XIII. Section 1301.01 which clarifies that family divisions and reconfigurations are exempt from the Subdivision Design Standards and Requirements as recommended by the Planning Commission as follows:

ARTICLE XIII. SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

1301. Design requirements.

1301.01. General requirements. The following general design requirements shall apply to all subdivisions, with the exception of family divisions and reconfigurations:

1. Land subject to flooding, improper drainage, or erosion, or which is for topographical, geological or other reasons unsuitable for residential use shall not be platted for residential use nor for any other uses that will increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected;
2. The name of the subdivision must have the approval of the commission. The name shall not duplicate nor closely approximate the name of an existing subdivision;
3. Street names shall require the approval of the commission. Road signs shall be constructed to county specifications and installed by the county. All associated costs shall be borne by the subdivider;
4. All proposed subdivisions shall conform to the county comprehensive plan and development policies in effect at the time of submission to the commission.

1301.02. Street requirements. The design of state maintained streets shall meet the following requirements:

1. All location, geometric design and construction of streets within a subdivision shall be in accordance with the following regulations and plans, where applicable, and shall be approved by the resident engineer:
 - a. The subdivision street requirements and other applicable regulations of the highway department;
 - b. The county's current six-year highway improvement plan;
 - c. The current transportation plan for the Lynchburg urbanizing area and adopted by the board of supervisors and the Central Virginia Transportation Planning Council; and
 - d. The county's comprehensive plan.
2. Additional street design requirements for state maintained streets:
 - a. Existing streets right-of-ways shall be continued at the same or greater width, but in no case shall the right-of-way of any subdivision street be less than fifty (50) feet in width;
 - b. Street intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than sixty (60) degrees;
 - c. Street intersections with centerline offsets of less than one hundred twenty-five (125) feet shall not be permitted;
 - d. Streets shall be reserved at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a ninety (90) degree angle or as otherwise approved by approving authority;
 - e. Cul-de-sacs, or dead-end streets, shall be not less than two hundred (200) feet in length. They shall be provided at the closed end with a turnaround of at least sixty (60) feet in radius, unless otherwise approved by the resident engineer for reasons of area traffic volumes or the likelihood of future extensions of the street;
 - f. Where a subdivision abuts or contains a railroad right-of-way or a nonaccessible street, which shall include any limited access highway or major street, as defined in the State Highway Improvements Plan, as amended, or any street with a proposed future right-of-way width of sixty-five (65) feet or greater in said plan, or any street on the state system of primary highways, the commission may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, at a

distance suitable for an appropriate use of intervening land, with a nonaccess reservation suitably platted. Due regard should be given to requirements for approach grades and future grade separations in determining distances. Residential lots shall not access onto primary roads;

g. Subdivisions that adjoin existing streets dedicate additional right-of-way if needed to meet the minimum street width requirements set forth in Section 1301.02(2) (a);

(1) The entire right-of-way shall be provided where any part of subdivision is on both sides of the existing streets;

(2) When the subdivision is located on only one (1) side of an existing street, one-half (1/2) of the required right-of-way, measured from the centerline of the existing roadway, shall be provided;

(3) When lots in a subdivision abut on one (1) side of any street which has been included in the state system of secondary highways, the subdivider shall be required to dedicate twenty-five (25) feet of right-of-way, as measured from the centerline of the street to the subdivision property line. The subdivider shall not be responsible for grading or surfacing such street.

h. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations; where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract;

i. The requirements for providing alleys within a subdivision are as follows:

(1) No alley right-of-way shall be less than twenty (20) feet in width;

(2) Alleys shall be provided in commercial and industrial districts, except where other definite and assured provision is made for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed;

(3) Alleys shall not be provided in residential subdivisions and development unless the subdivider provides evidence satisfactory to the commission of the need for alleys;

(4) Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall provide sufficient radius to permit safe vehicular movements;

(5) Dead-end alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the commission.

j. Street names shall require the approval of the commission. Streets that are obviously in alignment with streets already in existence and already named shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.

1301.03. Block lengths and widths. Block lengths and widths shall be determined based on the following requirements:

1. Blocks shall not be greater than two thousand (2,000) feet nor less than two hundred (200) feet in length, provided, however, the commission may waive this provision when in the judgment of the commission extreme topographic conditions would cause undue hardship if the subdivider complied with this provision;

2. Blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where abutting upon major streets, limited access highways, or railroads or topographical or other situations make this requirement impracticable in which case the commission may approve a single tier of lots of minimum depth.

3. Blocks intended for nonresidential use shall provide adequate space for service access and off-street parking in accordance with Article VI of this article.

1301.04. Lot design requirements.

1. Lot areas and dimensions and yard areas shall conform to applicable requirements Articles VII and VIII, or, if applicable, Section 1301.03 herein.
2. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or street footage which would be unusable for normal purposes.
3. In the case of lots for residential purposes, the lot area shall conform to the requirements of Article VIII. The lot area may be greater than the minimum specified if the commission finds that condition of health and/or safety so require, based on recommendations of the health department, or other appropriate agencies.
4. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
5. Drain fields and reserve drain fields must be located within the main body of the lot they serve. Peculiar lot configurations to accommodate drain fields located remotely from the main building site shall not be permitted.

1301.05. Environment design requirements. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit storm water runoff, and conserve the natural cover and soil. An Erosion and Sediment Control plan must be submitted and approved prior to removal of any topsoil and/or gravel or any grading activity. All grading activity shall be done in accordance with the provisions of the Erosion and Sedimentation Control Ordinance. Calculations shall be submitted as part of the erosion and sedimentation plan which justify the design of run off control measures.

1301.06. Easements. Easements having a minimum width of twenty (20) feet shall be provided as are necessary for utility lines, and underground mains and cables, where appropriate. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water drainage easement of adequate width, but not less than eight (8) feet. Parallel streets may be required by the commission in connection therewith.

1301.07. Private streets.

1. Private streets may be constructed in accordance with the Virginia Department of Transportation's subdivision street requirements. The minimum lot size for said streets is one (1) acre.
2. (a) A private street and all private roads (connected to that private street system not constructed in accordance with the Virginia Department of Transportation subdivision street requirements or not otherwise included in the State Secondary Road Maintenance System may provide access to a maximum of five (5) lots all of which are ten (10) acres or greater in size.
(b) An individual parcel which is described on May 02, 2001 by the then most current deed or other instrument conveying an estate in fee, for life, in possession or otherwise, with regard to estates in law or in equity, or in any deed or other such instrument drawn thereafter may have a maximum of five (5) lots subdivided from that parcel which are to be accessed by private streets not constructed in accordance with the Virginia Department of Transportation subdivision street requirements provided that the number of lots served by any private street may not exceed a total of five (5) whether said lots are derived from the individual parcel or other parcels.

1301.08. Operating Conditions for Standards for all Businesses operated in the V-1 District.

Limits:

1. Signage--Total outside one hundred (100) square feet no higher than the building.
2. Lighting--Directed to stay within lot.

3. Landscaping--When business adjoins a residentially zoned lot so that a twenty-five (25) feet set back applies, the set back area shall be kept in a well-maintained vegetative state; for example, grass, trees, shrubs.

(Ord. of 7-16-02; Ord. of 1-16-07(1))

1302. Physical improvements.

The subdivider shall install the following physical improvements at his cost in accordance with the provisions of this ordinance.

1302.01. Markers. Markers shall be installed in accordance with the following provisions:

1. Markers shall be iron pipes or steel pins five-eighths (5/8) of an inch in diameter and fifteen (15) inches long and driven so as to be flush with grades at all street corners, angles in streets, the beginning and end of all curves in streets at all points where the street intersects the exterior boundaries of the subdivision and all lot corners and angles.

2. Where rock is encountered, a hole shall be drilled four (4) inches deep, into which shall be cemented a steel rod one-half (1/2) inch in diameter, the top of which shall be flush with the finished grade line.

1302.02. Water and sewage facilities. Water and sewage facilities shall be provided within all subdivisions and shall adhere to the following requirements:

1. All public water and sewage facilities shall be constructed in accordance with the current specifications of the Virginia Department of Health, health department, sanitary district, or the town, Amherst County Service Authority, or the Town of Amherst, whichever is applicable.

2. All public water and sewage systems shall be installed at the expense of the subdivider, and where oversized lines or pumping stations are required by the Virginia Department of Health, Amherst County Service Authority, or the Town of Amherst ~~health department, service authority, or the town~~, whichever is applicable, to provide capacity to handle flow originating from outside the subdivision, the subdivider shall install the additional water and sewage facilities as provided for in the current line extension policies of the agency requiring the additional facilities.

~~3. Public water and sewage systems located within the subdivision shall be connected to existing public systems under the following conditions:~~

~~a. Whenever the subdivision is within one thousand (1,000) feet or less from an existing public water system or one thousand (1,000) feet, with access and gravity flow to an existing public sewage system, the subdivider shall be required to install the appropriate connecting lines to the existing systems as provided for in the current policies of the health department, service authority, or the town, whichever is applicable;~~

~~b. Whenever the subdivision is within one (1) mile, but greater than one thousand (1,000) feet from an existing public water system or one thousand (1,000) feet, with access and gravity flow to an existing public sewage system, the board of supervisors may require the subdivider to install the appropriate connecting lines as provided for in the current policies of the health department, service authority, or the town, whichever is applicable;~~

~~c. Whenever the subdivision is one (1) mile, or greater in distance from an existing public water and/or sewage system, the subdivider shall not be required to install the appropriate connecting lines to the existing systems.~~

3. Whenever any portion of a parcel or tract proposed to be subdivided is located within one thousand (1,000) linear feet of an existing, centralized public water system and within the designated growth area for public water as shown on the map of designated water and sewer growth areas established by the Board of Supervisors in the Comprehensive Plan, the service shall be extended to all lots within the subdivision by the subdivider or developer. Whenever a parcel or tract proposed to be subdivided is located entirely outside of the designated growth area boundary for public water, the service shall not be extended to any lot(s) within the subdivision. No subdivision shall be approved without an acceptable

~~water supply plan, which provides water service to each lot. A non-centralized or community water system intended to provide water service to more than one lot, or which is intended to provide water service throughout the subdivision, shall not be permitted.~~

~~4. Non-public water systems and/or on-site sewage systems may be installed provided that public water and/or sewage systems cannot be constructed in the subdivision as determined by the board of supervisors.~~

~~4. Whenever any portion of a parcel or tract proposed to be subdivided is located within one thousand (1,000) linear feet of existing, centralized public sewerage facilities and within the designated growth area for public sewer as shown on the map of designated water and sewer growth areas established by the Board of Supervisors in the Comprehensive Plan, the service shall be extended to all lots within the subdivision by the subdivider or developer. Whenever a parcel or tract proposed to be subdivided is located entirely outside of the designated growth area boundary for public sewer, the service shall not be extended to any lot(s) within the subdivision. No subdivision or development shall be approved without an acceptable sewerage facilities plan, which provides sewerage service to each lot.~~

~~5. Whenever any portion of a parcel or tract proposed to be subdivided is located within the designated growth area for public water and/or sewer as shown on the map of designated water and sewer growth areas established by the Board of supervisors in the Comprehensive Plan, and greater than one thousand (1,000) linear feet from an existing public water system or existing public sewage system, the Board of Supervisors may require the subdivider to install the appropriate connecting lines as provided for in the current line extension policies of the Virginia Department of Health, Amherst County Service Authority, or the Town of Amherst health department, service authority, or the town, whichever is applicable;~~

~~6. Whenever the subdivision is one located outside the designated growth area for public water and/or sewer as shown on the map of designated water and sewer growth areas established by the Board of Supervisors in the Comprehensive Plan the subdivider shall not install public water and or sewer systems.~~

~~7. All water and sewage facilities shall be inspected and approved by the appropriate official in accordance with Section 1204.04 03 (3) herein.~~

~~8. All private waste disposal systems including their reserve areas shall be located on the same property as the building site that the private waste disposal system benefits. Mass drain fields may not be subject to this proposal provision. In no instance shall an on-site sewage system that discharges directly to any body of water be installed. Only sub-surface absorption fields may be used for final waste disposal.~~

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

NAY: None

2007-51

Request by Timothy R. Campbell for a zoning text amendment in the A-1 Agricultural Residential District. The zoning text amendment would allow machinery sales and service and antique and gift shops to be a special exception use in the Agricultural District.

Proponents: Tim Campbell

Opponents: Mark McGruder; Steve Martin; Ella McGruder

The Public Hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Fener, the Planning Commission recommended denial of the proposed zoning text amendment.

AYE: Mr. L. Parrish, Ms. B. Limbrick, Mr. R. Fener and Mr. D. Hedrick

NAY: Mr. J. Fulcher
 ABSENT: Mr. B. Jones

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors denied the Planning Commission recommendation.

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

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the request for a zoning text amendment in the A-1 Agricultural Residential District to allow machinery sales and service as a special exception use and removed the antique and gift shops as part of the initial proposal with the applicants permission:

702. Agricultural Residential District A-1.

702.01. Intent of the Agricultural Residential District A-1. This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

702.02. Permitted uses. Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e.; tent or camper or per Section 904.
10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities subject to the following conditions:
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;

- c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
- d. Located more than one thousand (1,000) feet from a state maintained road;
- e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
- f. The CLF must be approved by all necessary state agencies prior to county approval;
- g. The applicant for all permits must be a county resident and the property owner;
- h. It cannot be visible from a state maintained road;
- i. A zoning permit must be issued prior to any development of the CLF.

14. Flag lot.

15. Wireless communication facilities as provided in Section 914 herein.

702.03. Special exceptions (A-1 zone).

- 1. Public entertainment.
- 2. Schools.
- 3. Saw mills.
- 4. Pallet manufacturing.
- 5. Wood yards.
- 6. Feed mills.
- 7. Truck business.
- 8. Churches and related facilities.
- 9. Signs as provided in Section 907.
- 10. Planned unit developments.
- 11. Short-term tourist rental of dwelling.

12. Machinery sales and service.

(Ord. of 3-18-03(2); Ord. of 9-20-05(2); Ord. of 8-15-06(3); Ord. of 10-17-06(4))

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

NAY: None

2007-52

Request by Timothy R. Campbell for a special exception in the A-1 Agricultural Residential District. The proposed special exception is to allow machinery sales and service and an antique and gift shop use at tax map parcel 67A-1-1, 2, 3, 4.

Proponents: Tim Campbell – stated that he withdrew his request for antiques and gift shop use.

Opponents: Steve Martin; Mark McGruder; Ella McGruder; Tim Casper; others who opposed the request were invited to stand – four persons did so.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Fener, the Planning Commission recommended denial of the special exception.

AYE: Mr. L. Parrish, Ms. B. Limbrick, Mr. R. Fener, Mr. J. Fulcher and Mr. D. Hedrick

NAY: None
 ABSENT: Mr. B. Jones

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, and with the following vote, the Board of Supervisors moved to table request No. 2007-52 until the 2nd joint meeting in February 2008.

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

2007-53 Request by Marvin Crunkleton for a conditional zoning from R-2 General Residential to B-2 General Commercial. The property is located at 5147 South Amherst Highway and is further identified as tax map number 160A2-3-A.

Proponents: Tim Casper

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Hedrick and with the following vote, the Planning Commission recommended approval of the request for a conditional zoning from R-2 General Residential to B-2 General Commercial with proffers presented.

AYE: Mr. L. Parrish, Ms. B. Limbrick, Mr. R. Fener, Mr. J. Fulcher and Mr. D. Hedrick
 NAY: None
 ABSENT: Mr. B. Jones

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request for conditional zoning from R-2 General Residential to B-2 General Commercial located at 517 South Amherst Highway with the following proffers as recommended by the Planning Commission.

- (1) Trash receptacles/Recycling activities with dumpsters, trash receptacles shall be screened from public view with permanent enclosures;
- (2) Lighting - All proposed outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line;
- (3) Parking – parking area will be black topped;
- (4) Applicant will paint the exterior of building prior to opening the restaurant;
- (5) No alcoholic beverages on-site/off-site;
- (6) Hours and days of operation will be:

Sunday-Thursday	6:00 AM – 10:00 PM
Friday & Saturday	6:00 AM – 12:00 PM Midnight

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

2007-46 Request by David and Janet Avance for a special exception in the A-1 Agricultural Residential District. The Proposed special exception is to allow public entertainment use, such as; weddings, receptions, teas, birthday parties, anniversary parties, baby showers, wedding showers, corporate parties, dinner theater at tax map parcel 137-A-72A.

Planning Director Bryant stated that his original recommended conditions be changes to amend the condition that tents and other entertainment equipment be removed within 72 hours of event and to add conditions that approval be based upon VDOT approval and that a 100 ft. vegetative buffer be installed on the northeast boundary.

Proponents: David and Janet Avance, Ms. Pfister; Sheila Austin and Dick Wills

Opponents: None

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Ms. Limbrick, seconded by Mr. Hedrick and with the following vote, the Planning Commission recommended approval of the request with the recommended conditions by the Planning Director.

AYE: Mr. L. Parrish, Ms. B. Limbrick, Mr. R. Fener, Mr. J. Fulcher and Mr. D. Hedrick

NAY: None

ABSENT: Mr. B. Jones

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Adams and with the following vote, the Board of Supervisors approved the request for a special exception in the A-1 Agricultural Residential District to allow public entertainment use, such as: weddings, receptions, teas, birthday parties, anniversary parties, baby showers, wedding showers, corporate parties, dinner theater at tax map parcel 137-A-72A as recommended by the Planning Commission with the following proffers:

- (1) All events shall be limited to one-hundred and twenty five (125) guests;
- (2) Outdoor tents and other entertainment equipment shall be removed within 72 hours of an event;
- (3) Outdoor amplified music shall conclude by 9:00 P.M.;
- (4) All events shall be over no later than 10:00 P.M.
- (5) All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- (6) Additional freestanding signs will not be allowed on the property;
- (7) A parking attendant shall be directing traffic with events greater than seventy-five (75) guests;
- (8) Approval based upon VDOT approval;
- (9) A 100 ft. vegetative buffer be installed on the northeast boundary

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

NAY: None

IN RE: AGENDA

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

**AGENDA
TUESDAY, JANUARY 15, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

I. Call to Order

II. Invocation and Pledge of Allegiance

III. Approval of Agenda

IV. Public Hearing

- 2007-11** Request by the County of Amherst for a zoning text amendment to Article XIII. Section 1301.01 which clarifies that family divisions and reconfigurations are exempt from the Subdivision Design Standards and Requirements. Additionally, changes are proposed in Section 1302.02 *Water and sewage facilities* of the Amherst County Zoning and Subdivision Ordinance. The proposed ordinance links the extensions of water and sewage lines to the designated growth boundaries outlined in the Amherst County Comprehensive Plan.

- 2007-51** Request by Timothy R. Campbell for a zoning text amendment in the A-1 Agricultural Residential District. The zoning text amendment would allow machinery sales and service and antique and gift shops to be a special exception use in the Agricultural District.
- 2007-52** Request by Timothy R. Campbell for a special exception in the A-1 Agricultural Residential District. The proposed special exception is to allow machinery sales and service and an antique and gift shop use at tax map parcel 67A-1-1, 2, 3, 4.
- 2007-53** Request by Marvin Crunkleton for a conditional zoning from R-2 General Residential to B-2 General Commercial. The property is located at 5147 South Amherst Highway and is further identified as tax map number 160A2-3-A.
- 2007-46** Request by David and Janet Avance for a special exception in the A-1 Agricultural Residential District. The Proposed special exception is to allow public entertainment use, such as; weddings, receptions, teas, birthday parties, anniversary parties, baby showers, wedding showers, corporate parties, dinner theater at tax map parcel 137-A-72A.

V. Planning Department

- a. Request to waive fee for special exception public hearing for a neighborhood identification sign on Rocky Hill Road

VI. Public Hearing

- a. Buffalo River Watershed Leases
- (i) M. Warren Davis
 - (ii) Ralph B. Sale
 - (iii) Charles C. Sturges

VII. Consent Agenda

- a. Circuit Court Order – Appointments to the Amherst County Board of Equalization
- b. Building Inspection Monthly Report – December 2007
- c. Animal Control November 2007, December 2007 and 2007 yearly report
- d. Amherst Industrial Development Authority January 7, 2008
- e. Robert E. Lee Soil and Water Conservation District Quarterly Report
- f. Department of Social Services – Office of the Commissioner 12/28/07
- g. Letter of 1/9/08 from Katherine V. Nichols
- h. VDOT Traffic Alert – Jan. 7-11, and Jan. 14-18, 2007

VIII. Citizen Comments

IX. Department Reports

Central Accounting Department

- a. Calendars for 2008-09 Budget Work Sessions

Purchasing Department

- a. Board of Equalization
- b. Football and other award events

County Administrator

- a. Amherst County Habitat for Humanity – Request for tax exemption on real estate

- b. Board and Committees
- c. Sales, meals and lodging tax revenues
- d. Board Advance schedule

X. County Attorney

XI. Appropriations/transfer/disbursements

XII. Matters from Members of the Board of Supervisors

XIII. Old Business (See packet)

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

XV. Adjourn to January 24, 2008 at 9:00 a.m. for a Tour of the Bedford County Recycling Center

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

NAY: None

IN RE: REQUEST TO WAIVE FEE FOR SPECIAL EXCEPTION PUBLIC HEARING FOR A NEIGHBORHOOD IDENTIFICATION SIGN ON ROCKY HILL ROAD

The County Administrator presented a request from Frank Campbell to waive the \$300 fee for a public hearing on a special exception to install a neighborhood identification sign on Rocky Hill Road.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the request with the understanding that the fee would be refunded rather than waived.

Mr. Parrish withdrew his motion after Frank Campbell addressed the Board and stated that he also planned to present another request for a 2nd sign location.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved to refund the zoning application fees for both the current location requested and a 2nd location if presented at a later date.

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

NAY: None

IN RE: PUBLIC HEARING - BUFFALO RIVER WATERSHED LEASES

Mr. Wood called the public hearing to order as advertised for the Buffalo River Watershed leases

There were no speakers and the public hearing closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the leases with M. Warren Davis, Ralph B. Sale, and Charles C. Sturges with the condition that they would be modified to prohibit application of biosolids.

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

NAY: None

IN RE: CITIZEN COMMENTS

There were no citizen comments.

IN RE: CONSENT AGENDA

- a. Circuit Court Order – Appointments to the Amherst County Board of Equalization

- b. Building Inspection Monthly Report – December 2007
- c. Animal Control November 2007, December 2007 and 2007 yearly report
- d. Amherst Industrial Development Authority January 7, 2008
- e. Robert E. Lee Soil and Water Conservation District Quarterly Report
- f. Department of Social Services – Office of the Commissioner 12/28/07
- g. Letter of 1/9/08 from Katherine V. Nichols
- h. VDOT Traffic Alert – Jan. 7-11, and Jan. 14-18, 2007

Information only

IN RE: CALENDARS FOR 2008-09 BUDGET WORK SESSIONS

The County Administrator presented the following schedule and draft letters regarding 2008-2009 budget process.

M-E-M-O-R-A-N-D-U-M

DATE: January 18, 2008

TO: Constitutional Officers, Amherst County Courts, County Agencies
Amherst County Museum

FROM: Rodney Taylor
County Administrator

RE: FY2009 Operating Budget

We have begun the development of the FY2009 Operating Budget for Amherst County. I want to thank you for your on-going support and assistance again this year as we prepare the budget.

I would like for each of you to closely review your non-personnel operating budget line items that involve any form of local General Fund support. If there is an opportunity to reduce a given operating expenditure, please take this opportunity to do so. Alternatively, if there are circumstances which will cause an individual line item to increase in FY2009 from the amount approved for FY2005, or if there is some new project or operating expenditure you wish to propose for consideration, please complete the form entitled *Proposed Increased/New Expenditure for FY2009* for each proposed increase or new expenditure. Although a hard copy of this form is attached, a digital version is available. The Director of Accounting will provide a digital copy of this form upon request.

Next, I would like you to refine the amounts requested for your non-personnel expenditure line items. Specifically, you should review each line item by the amount actually expended in past fiscal years. This should give an indication of whether or not you should refine the FY2009 request for the line item so that the approved budget amount will better reflect actual end of year expenditures.

Finally, I would like the following information to be submitted as well to better assist our development of the FY2009 Operating Budget:

If applicable, a copy of your proposed FY2009 Operating Budget submitted to the State.

All programs or activities receiving Federal, State or private grant funds will need to complete the attached *FY2009 Grant Report*. This report will provide a brief description of the program or activity; the total amount of funds to be received; the projected dates or time periods such funds are to be received from the funding source; an itemization of the State, Federal, private and local General Fund match which is to equal the total amount to fund the program or activity; and, an itemized project budget. A digital copy of the *FY2009 Grant Report* is also available upon request.

All programs or activities receiving Federal or State intergovernmental aide are to provide sufficient documentation as to projected revenues and proposed expenditures.

I would like to have your proposed FY2009 Operating Budget submitted to my office by no later than 5:00 p.m., Friday, February 1, 2008. This will allow sufficient time to review development process to proceed in a timely manner. Submission of your proposed budget prior to the due date is encouraged and welcome.

Thank you for assistance and cooperation in helping to prepare the FY2009 Operating Budget for Amherst County. If you should have any questions, please contact Brenda Campbell or me.

Attachments

cc: Amherst County Board of Supervisors
Brenda T. Campbell, Director of Accounting
David Proffitt, Assistant County Administrator

M-E-M-O-R-A-N-D-U-M

DATE: January 18, 2008

TO: David Proffitt, Assistant County Administrator
Gary Roakes, Director of Public Safety
Brenda T. Campbell, Director of Accounting
Kenneth M. Campbell, Building Official
William F. Cash, Director of Maintenance
Sara Lu Christian, Recreation Administrator
C. Joe Mullen, Director of Economic Development
Jeremy Bryant, Director of Planning and Zoning
Teresa M. Nuckols, Director of Solid Waste
Bart W. Shaw, Animal Control Supervisor
J. Vaden Hunt, Staff Attorney
Jackie Viar, Information Technology Manager

FROM: Rodney Taylor
County Administrator

RE: FY2009 Operating Budget

As we begin to develop the FY2009 Operating Budget for Amherst County, I want to thank each of you for your on-going support and assistance again this year as we prepare the budget and for the work that you do to serve the citizens and businesses of Amherst County every day.

I have attached budget worksheets for each of your respective departments I would like for each of you to closely review your non-personnel operating budget line items that involve any form of local General Fund support. If there is an opportunity to reduce a given operating expenditure, please take this opportunity to do so. Alternatively, if there are circumstances, which will cause an individual line item to increase in FY2009 from the amount approved for FY2008, or if there is some new project or operating expenditures you wish to propose for consideration, complete the form entitled *Proposed Increased/New Expenditure* for FY2009; and submit with your proposed budget. Although a hard copy of this form is attached, a digital version of this form will be available. The Director of Accounting will provide you a digital version upon request.

If you are considering proposing new personnel, please contact me directly. I will need to know the background, justification, and source(s) of financing with regard to these new positions.

Next, I would like you to refine the amounts requested for your non-personnel expenditure line items. Specifically, you should review each line item by the amount actually expended in past fiscal years. This should give an indication of whether or not you should refine the FY2009 request for the line-item so that the approved budget amount will better reflect actual end of year expenditures.

Please do not complete line items in your budget request related to salary and benefits (e.g., wages, salaries, workers' compensation, health insurance, etc.) for your department's personnel. I will assume responsibility for calculating these expenditures during the development of the overall operating budget and in keeping with the direction of the Board of Supervisors on this matter.

I would like to have your proposed FY2009 Operating Budget submitted to my office by no later than 5:00 p.m., Friday, February 1, 2008. This will allow sufficient time to review each submittal for completeness and accuracy, and it will allow the FY2009 budget development process to proceed in a timely manner. Submission of your proposed budget prior to the due date is encouraged and welcome.

Thank you for assistance and cooperation in helping to prepare the FY2009 Operating Budget for Amherst County. If you should have any questions, please contact Brenda Campbell or me.

Attachments

cc: Amherst County Board of Supervisors
Brenda T. Campbell, Director of Accounting
David Proffitt, Assistant County Administrator

January 18, 2008

Interested Organizations, Offices, and Agencies

RE: Amherst County FY2009 Operating Budget

Ladies and Gentlemen:

We have begun the development of the FY2009 Operating Budget for Amherst County. I want to thank you for your on-going support and assistance again this year as we prepare our operating budget.

In keeping with the format used during the past few years, I am asking that each organization submit a letter confirming the total amount of funds provided by Amherst County for FY2008 and if it is your desire to continue to receive the same level of funding for FY2009. If a change in funding is proposed, then please provide supplementary information on the change in sufficient detail for the Board of Supervisors to give due consideration to the change.

I would like to have your proposed FY2009 Operating Budget submitted to my office by no later than 5:00 p.m., Friday February 1, 2009. This will allow sufficient time to review each submittal for completeness and accuracy, and it will allow the FY2009 budget development process to proceed in a timely manner. Submission of your proposed budget prior to the due date is encouraged and welcome.

Thank you for assistance and cooperation in helping to prepare the FY2009 Operating Budget for Amherst County. If you should have any questions, please contact me or Brenda Campbell at 946-9304.

Yours truly,

Rodney Taylor
County Administrator

Attachments

cc: Amherst County Board of Supervisors
 Brenda T. Campbell, Director of Accounting
 David Proffitt, Assistant County Administrator

Proposed calendar of events for budget:

January 15 – memos to Board of Supervisors
 January 22 – letters to Departments
 February 1 – Proposed budgets due in Accounting
 February 19 – Rough draft to Board – proposed budget time line to BOS
 March 3 – Work session
 March 5 – Work session
 March 6 – Work session
 March 11 – work session
 March 19 – work session
 March 20 – A – 1 budget advertised
 March 25 – work session
 March 26 – work session
 March 27 – A-2 Budget Advertised
 B-1 Budget Advertised
 March 31 – A – Public Hearing (1)
 April 1 – A – Public Hearing (2nd – option for A)
 April 2 – work session – A – Public Hearing (3rd Option for A)
 April 3 – B-2 Budget advertised C-1 – budget advertised A – Public hearing
 April 7 – B- Public Hearing – A – Budget adoptions (1)
 April 8 – B – Public Hearing A – Budget adoption (1)
 April 9 – Work Session B – Public Hearing A Budget adoption (2)
 April 10 – C2-budget advertised B – Public Hearing A – Budget adoption (Final Day)
 April 14 – C public Hearing B-budget adoption (1)
 April 15 – C-public hearing B-budget adoption (2)
 April 16 – C- Public hearing B- budget adoption (3)
 April 17 – C – Public hearing B-budget adoption (final day)
 April 21 – C-budget adoption (1)
 April 22 – C-budget adoption (2)
 April 23 – C-budget adoption (3)
 April 24 – C budget adoption (final day)

There was a consensus of the Board of Supervisors to direct the County Administrator to proceed with process as outlined with intentions of following Schedule “A”.

IN RE: BOARD OF EQUALIZATION

The Assistant County Administrator presented information regarding the Board of Equalization.

There was a consensus of the Board of Supervisors to recommend to the Circuit Court Judge the appointment of Mr. Bobby Joe Bondurant to the Board of Equalization.

IN RE: FOOTBALL AND OTHER AWARD EVENTS

The Assistant County Administrator presented information regarding school awards for their information.

The only clarification made is that the football awards ceremony is now scheduled for 4:00 P.M., February 24, 2008.

IN RE: AMHERST COUNTY HABITAT FOR HUMANITY – REQUEST FOR TAX EXEMPTION ON REAL ESTATE

The County Administrator presented a request for tax exemption on real estate acquired by Amherst County Habitat for Humanity as they are a charitable organization.

There was a discussion and consensus not to waive the taxes but to allow Habitat to request a refund of taxes during budget time of each year.

IN RE: BOARD AND COMMITTEES

The County Administrator presented an update on Board committee appointment schedule.

There was a Board discussion and consensus that Chris Adams would be the Board's representative on both the Emergency Service Council and Rescue Squad Advisory Committee.

IN RE: SALES, MEALS AND LODGING TAX REVENUES

The County Administrator presented information regarding the sales, meals and lodging tax receipts.

IN RE: BOARD ADVANCE SCHEDULE

The County Administrator provided the Board Advance schedule for the Board's information and discussion.

IN RE: APPROPRIATIONS/TRANSFER/DISBURSEMENTS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved all of the appropriation/transfer requests with the exception of the Lynchburg Chamber of Commerce dues.

a. APPROPRIATIONS

Board of Supervisors

11010	5801	Annual Membership Dues (Chamber of Commerce – Lynchburg)	\$	1,680.00
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Sheriff's Department

31020	1008	Traffic Enforcement	\$	3,000.00
31020	7005	Vehicle (Command Post Mast)		8,105.00
31020	5804 100	Court House Beautification	\$	113.00
33010	1013	Comp Scanner	\$	1,330.00
33010	5804 (Fine Money)	Pre-Employment	\$	4,000.00
31020	1013	ACHS – Comp	\$	5,759.28
31020	3004	Vehicle Repair		77.00
31020	5409	Supply		21.00
33010	5409	Supply		10.00
8 3125	1008	DMV		1,695.49
31020	3004 100	Repairs – Auto – Ins	\$	5,874.99
31020	3004 100	Repairs – Auto – Ins	\$	3,565.87
31020	3004 100	Repairs – Auto – Ins	\$	3,498.01

(Pass through revenue deposited with Treasurer)

b. TRANSFERS

Sheriff's DepartmentTransfer from:

31020	3005	Maint SVC	\$	5,600.00
33010	3005	Maint SVC		851.00

Transfer to:

31020	5401	Office Supply	\$	400.00
31020	5801	Dues		1,000.00
31020	7005	Vehicle		4,200.00
33010	3016	Repair Auto Radio		
	3.00			
33010	5406	Linen		154.00
33010	5504	Travel		50.00
33010	5801	Dues		20.00
33010	7001	Equipment		342.00
33010	7009	Misc Equip		282.00

Tourism DepartmentTransfer from:

81500	3002	Professional Services	\$	11,000.00
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Transfer to:

81600	5201	Postage	\$	
	1,500.00			
81600	5401	Office Supplies		2,000.00
81600	5501	Travel		2,000.00
81600	5203	Telephone		1,500.00
81600	7001	Equipment		2,000.00
81600	7002	Furniture		
	2,000.00			

Public SafetyTransfer from:

32070	3002	Professional services	\$	12,114.82
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Transfer to:

32070	5410	Uniforms and Badges		11,453.22
32070	5804	Miscellaneous		661.60

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

IN RE: OLD BUSINESS (SEE PACKET)

The Board reviewed the Old Business items.

IN RE: BOARD OF SUPERVISORS

Several matters from Board members were discussed.

IN RE: ADJOURNMENT

On motion of Mr. R. Vandall, seconded by Mr. L. Parrish and with the following vote, the Board of Supervisors adjourned until January 24, 2008 at 9:00 a.m., for a tour of Bedford Recycling sites.

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

NAY: None

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

Rodney E. Taylor, County Administrator