

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 4th day of November, 2008 at 1:00 p.m. at which the following members were present and absent:

BOARD OF SUPERVISORS:

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

Mr. V. Wood called the meeting to order.

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

IN RE: AGENDA

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the agenda with the deletion of School Superintendent's appearance.

AGENDA

**TUESDAY, NOVEMBER 4, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
1:00 P.M.**

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- III. **Special Appearances and Presentations**
 - a. County Water and Sewer Expense Associated with BRRJ's Amherst/Appomattox Detention Center – Dan French (Refer to Information in Service Authority Agenda)
 - b. Amherst Fire Department – Richard Glass
 - c. Animal Care Center – Blair Smith, Dominion Seven Architects
- IV. **Amherst County Public Schools – Dr. Brian Ratliff**
- V. **Virginia Department of Transportation – Michael McCormack**
- VI. **Citizen Comment**
- VIII. **Consent Agenda**
 - a. Board of Supervisors Meeting Minutes – October 7th, (9:00 am and 1:00 pm) 15th (9:30 am), 16th (6:00 pm), 20th (1:30 pm) and 21st (7:00 pm)
 - b. VDOT Traffic Alerts Reports – October 20-24, and 27-31, November 3-7, 2008
- VIII. **Department Reports**

Planning Department

- a. Zoning Text Amendment Process

IX. County Administrator's Report

- a. Financial Report
- b. Funding for new Public Safety positions
- c. Legislative agenda

X. County Attorney's Report

- a. No shooting zone ordinance
- b. Report on County's liability for handicap vehicles (wheelchairs, etc) on highway

XI. Matters from Members of the Board of Supervisors

- a. Policy Regarding Grant Applications in Conjunction with Non-Profit Organizations

XII. Appropriations/Transfers/Disbursements

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

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

- a. Personnel Issue
- b. Interviews Economic Development Director

§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.

- a. Prospective Business

XIV. Adjourn

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

IN RE: COUNTY WATER AND SEWER EXPENSE ASSOCIATED WITH BRRJ'S AMHERST/ APPOMATTOX DETENTION CENTER

Dan French, Service Authority Director met with the Board and presented the Service Authority's recommendation to authorize the extension of public sewer across the Amherst/Appomattox Adult Detention site to its northern property line and upsize the water line extension on Riverview Road from 12" to 16" for the last 3200 ft. before reaching the Detention Center Site and furthermore that the cost of this extension and upsizing be funded by the County's CIP bond financing up to \$180,000 from the portion originally designated to extend public sewers into previously developed areas in southern Amherst County.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the Service Authority recommendation as presented and appropriated up to \$180,000 from the CIP bond financing funds to cover that cost.

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

NAY: None

IN RE: AMHERST FIRE DEPARTMENT – RICHARD GLASS

Mr. Richard Glass of the Amherst Fire Department met with the Board and presented information regarding the Fire Department seeking funding in the amount of \$250,000 from Branch Banking and Trust Company for the purchase of a new truck. The financing requires that the Amherst Fire Department hold a public hearing and that the local governing body approve a resolution of support. The public hearing has been properly advertised and will be held at the fire station beginning at 12:00 noon on November 4, 2008.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the following resolution approving the financing by Amherst Fire Department of up to \$250,000.00 for the purchase of a new fire apparatus truck.

RESOLUTION APPROVING THE FINANCING BY AMHERST FIRE DEPARTMENT OF UP TO \$250,000.00 FOR THE PURCHASE OF A NEW FIRE APPARTUS TRUCK

WHEREAS, Amherst Fire Department has determined to finance an amount of up to \$250,000.00 for a new fire apparatus truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Amherst County Board of Supervisors must first approve the financing. The Amherst Fire Department has held a public hearing on the financing after published notice, as required by the "Code. The Amherst Fire Department has reported the proceedings of the hearing to the Amherst County Board of Supervisors.

BE IT THEREFORE RESOLVED the Amherst County Board of Supervisors approves the Amherst Fire Department's entering into the financing, as required under the Code for the financing to be carried out on a tax-exempt basis. The Amherst Fire Department's conduct of the required public hearing is approved.

I hereby certify that the foregoing resolution was duly adopted at a meeting of the Amherst County Board of Supervisors duly called and held on November 4, 2008, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

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

NAY: None

IN RE: ANIMAL CARE CENTER – BLAIR SMITH, DOMINION SEVEN ARCHITECTS

The County Administrator, Animal Control Officer Shaw, Humane Society Board members; Popie Martin and Nancy Davis and Architect Blair Smith met with the Board and provided a status report on progress in opening the new animal shelter.

There were questions and discussion by the Board members.

The County Administrator stated that he has spoken to the Virginia State Veterinary Services concerning the shelter floor materials, who has stated that the County will not be required to change floor materials, but to keep it properly cleaned. The Board directed Mr. Taylor to request written documentation of the State Vet's statements.

Mr. Parrish – I appreciate you not thinking it but you don't send the citations out. I do not want this Board in a brand new state of the art facility with citation after citation of unclean floors with employees saying we can't clean the floors any cleaner. We are washing after every dog use. That's all I'm looking for. I'm looking for the operational part of it. When you all are paid and gone, it's going to be this Board's decision as to who is going to have to pay for it, that's all I'm after. I want to get the right thing while we are paying for it. I can't seem to get a guarantee that this is the right thing. I can live with it if the people

down there decide that they will live with it but if it comes back to the Board it's going to be hard for me to do anything for the Humane Society when we get stuck with this issue.

Mr. Kidd – If the state has a concern, all I'm trying to do is to satisfy everyone that's involved – State, OSHA, Architects, Bart, Humane Society so that eight (8) months down the road when they come back and say that we got wrote up and we have to do something with the floor.

Mr. Adams – I think if we get the letter that was requested from Dr. Kovich and put that in the file as documentation. There are so many variables; it's like a cat chasing its tail. No one can give us a definite answer as far as what we need to do. I think any and all documentation that we can get and put in this file based on this new facility then we can protect these folks if anything comes up

The Board of Supervisors by consensus authorized the commencement of occupation of the building.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION – MICHAEL MCCORMACK

Mike McCormack, VDOT Resident Engineer, met with the Board and introduced newly hired VDOT engineer, Sharon White and reviewed the following list of agenda items. Mr. McCormack informed the Board that the 2008 Six-year plan public hearing is postponed until further funding information is received.

**AMHERST COUNTY BOARD OF SUPERVISORS
NOVEMBER 4, 2008**

- Application submitted for Revenue Sharing
 - CTB Approval October 16, 2008 pending authorization in Virginia Capital Projects Revenue Bonds
- Ongoing review of Amelon Industrial Park regarding capital investment and East Progress Lane acceptance
- Riversedge Park under review regarding trail exemptions
- Construction Issues
 - Route 652
 - Route 827 – Forest Highway under construction
- Request regarding timing of signals
 - Will continue to request timing changes at Winesap and Coolwell
 - Will also review Route 130 Signal
 - Issues of system coordination and side street timing
- Six Year Plan Hearing
 - Plan to postpone pending better information on budget reductions

IN RE: CITIZEN COMMENT

There were no citizen comments.

IN RE: CONSENT AGENDA

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the Minutes of October 7th, (9:00 am and 1:00 pm) 15th (9:30 am), 16th (6:00 pm), 20th (1:30 pm) and 21st

(7:00 pm) with corrections on Page 1564 of minutes of October 7, 2008 (Change closed session personnel to 2.2-3711.A.1) and on page 1569 under matters from Board (change state to "status").

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

b. VDOT Traffic Alerts Reports – October 20-24, and 27-31, November 3-7, 2008

Information only.

IN RE: PLANNING DEPARTMENT - ZONING TEXT AMENDMENT PROCESS

Jeremy Bryant, Planning Director, met with the Board and introduced a request to change the zoning text amendment process as follows: A citizen will fill out a form requesting that the Planning Commission consider amending the ordinance to allow for a particular change. If the Planning Commission determines that the request would be a positive modification in the ordinance, the Planning Commission will take the initiative to direct staff to write an acceptable ordinance that would allow such change. On the other hand, the Planning Commission may determine that the proposed modification would not be a positive change and therefore no action would be taken to modify the County ordinance.

The Board of Supervisors deferred action on this matter until the first regular meeting of December 2008.

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss a (1) personnel matter and (5) Prospective business or industry pursuant to § 2.2-3711.A.1, and 5 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.

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

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

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

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

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

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

The County Administrator presented a financial "budget" report to the Board for their information.

IN RE: FUNDING FOR NEW PUBLIC SAFETY POSITIONS

The Board of Supervisors approved additional staffing for the Department of Public Safety at the October 21, 2008 meeting and instructed the County Administrator to provide the Board with information regarding possible funding for the positions. The County Administrator stated that the County has a contract with Diversified Ambulance Billing (DAB) for the administration of the billing and collection of accounts. The County Administrator has asked the Public Safety Director to review with DAB the County's current rate structure and collections percentages in relation to other localities in our region. DAB is compiling a report that will be presented to the Board of Supervisors when complete.

IN RE: LEGISLATIVE AGENDA

The County Administrator presented the following proposed 2008 Legislative Agenda to be considered at the first regular meeting in December 2008:

**AMHERST COUNTY
LEGISLATIVE AGENDA 2009**

Education:

Amherst County supports full state funding for public education (including the SOQ, targeted incentive program, capital and maintenance support, and teacher salaries).

Transportation:

We understand the current budgetary pressures faced by the General Assembly. We also believe that the current financial problems should not be addressed in a manner that impairs the future performance of important Commonwealth agencies. We request that our legislative delegation ensure that the VDOT Amherst Residency Office will not be closed and will continue to have sufficient resources to provide adequate services to the citizens of Amherst County

We support the establishment of Amtrak's enhanced Lynchburg to Washington, DC passenger rail service. And view this as an important first step in the creation of the Trans Dominion Express. We strongly support the inclusion of a stop at or near Sweet Briar College for the convenience of students, fellows at the Virginia Center for the Creative Arts and area residents.

We support VDOT moving forward with the Route 29 Corridor Study Phases II and III. A solution to the North - South movement of traffic and goods is essential to the economic viability of Amherst County and other localities along this important corridor.

CVTC:

We understand that the issues regarding patient care are complex. We have previously stated that our concerns are first for the care and safety of the patients. We have also expressed our concern that the opinions of the families and friends group be respected in planning for the future of the facility. CVTC is one of the region's largest employers. Many of those employed at CVTC have dedicated their lives to the care of our society's most vulnerable citizens. We ask that employees play an integral role in the discussions of the future of the facility. We insist that the \$43 million appropriated by the General Assembly for CVTC be spent at CVTC to address the critical life/safety issues on the campus. Diversion of these funds from the expressed purpose of the appropriation will leave patients in unacceptable conditions. Finally, we request that the County be included in all discussions and consulted prior to any decisions regarding the dispensation of unused buildings and property. The abandonment of any portion of the CVTC campus should be treated by the Commonwealth as a mini base closing.

Budget Issues:

The Amherst County Board of Supervisors understands the difficult budgetary situation created by the current economic situation. We ask that you, our representatives, carefully examine all spending to ensure that the financial burden for programs initiated by the legislature are not passed onto localities.

The Amherst County Board of Supervisors strongly objects to Item 475.20, Chapter 879 of the 2008 Acts of Assemble which required a \$50 million reduction in state aid to local governments in both FY 2009 and FY 2010. The majority of the cuts were to law enforcement and public safety. The cost to Amherst County to ensure that these critical agencies received adequate funding was \$190,603 in FY 09 and will be \$190,739 in FY 10. While the intent may have been to give localities some flexibility in addressing the cuts the reality was a cumbersome process of compiling a list of cuts and forcing localities to write a check to the Commonwealth so the Commonwealth could distribute the funds back to the localities. We request that any future cuts be made directly by the state. Localities have the option of directly funding the effected departments without sending a check for what many localities have referred to as Local Aid to the Commonwealth.

IN RE: NO SHOOTING ZONE ORDINANCE

The County Attorney presented a report and is investigating restrictions on Amherst County's ability to expand its "No Shooting Zone".

The Board of Supervisors directed Mr. Hunt to forward the draft ordinance to Captain Robinson of the Amherst Sheriff's Office for his review and comments and report back to them.

IN RE: REPORT ON COUNTY'S LIABILITY FOR HANDICAP VEHICLES (WHEELCHAIRS, ETC) ON HIGHWAY

County Attorney Hunt presented a report regarding liability of Amherst County for potential injuries suffered by users of handicapped vehicles/devices.

The Board of Supervisors directed the County Attorney to consider reasonable steps that may be taken to limit the County's liability exposure and report to them if appropriate.

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. Adams – Directed staff to investigate steps necessary to make the County's phone system more reliable.

Mr. Vandall – Discussed development of policy regarding grant applications in conjunction with non-profit organizations with other Board members. There was a consensus of the Board to direct staff not to contract for any proposed grant funded projects until this policy is established.

Mr. Kidd – Directed staff to proceed with advertising for a County HR officer.

Mr. Kidd – stated that in developing a County noise ordinance he desires to see a custom development of the same for Amherst County and further requested a demonstration of measured sounds with a decibel meter.

Mr. Wood – Discussed the need for a response to Mike Scott concerning landlocked property adjacent to the Town of Amherst by the first regular meeting of December 2008.

Mr. Wood – Discussed a request by Bruce Campbell who has sold a portion of his existing property and faces a County requirement of having a perk test on the residual parcel. There was a consensus to direct staff to investigate refinements to our existing relevant ordinance and report back to them.

IN RE: APPROPRIATIONS/TRANSFERS/DISBURSEMENTS

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

a. APPROPRIATIONS

Commonwealth Attorney

22010 1006	Comp. Assist. Comm. Attys	\$	7,342.00
(Unobligated General Fund Balance)			
22010 7002	Furniture		5,495.34
22010 3005	Maint SVC		132.45
22010 5501	Travel		295.00
(Drug Forfeiture Funds)			

Sheriff – Jail

31020 5409	Police supply	\$	34.06
31020 1008	Traffic Enforcement		188.39
3301 3001	Medical		232.99
(Pass through revenue)			
31020 1008	Traffic Enforcement	\$	5,112.50
31020 1009	Clerical Compensation		5,966.32
31020 5804-100	Court House Beautification		951.01
31020 5804	Miscellaneous		278.00
(Fine Revenue)			
31020 3004-100	Auto Repair – Insurance	\$	250.00

EDA – CVCC Fund 86

95550 3005-100-200-600		\$	400,000.00
(Bond Financing)			

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

NAY: None

IN RE: ADJOURNMENT

On motion of Mr. Adams, seconded by Mr. Kidd and with the following vote, the Board of Supervisors adjourned until 6:00 p.m., Thursday, November 6, 2008 in the County Administration Building Board Room.

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