

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 18th 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 Mr. L. Parrish Mr. D. Kidd Mr. C. Adams Mr. R. Vandall	ABSENT: None
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PLANNING COMMISSION:

PRESENT:	Mr. M. Heishman Ms. B. Jones Mr. L. Irvin	Mr. D. Hedrick Ms. C. Tucker	Mr. R. Fener Mr. L. Parrish
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ABSENT: None

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

Mr. Wood called the meeting to order.

IN RE: AGENDA

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

AGENDA

**TUESDAY, NOVEMBER 18, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Public Hearings**
 - a. Zoning Text Amendment – Dorothy Morcom
- ~~**IV. Mike Chandler Presentation**~~
- V. Consent Agenda**
 - a. Public Safety Monthly Report - October 2008
 - b. Building Safety and Inspections Monthly Report – October 2008
 - c. VDOT Traffic Alerts – Nov. 10-14, 17-21, 2008

VI. Citizen Comments**VII. Department Reports****Public Safety Department**

- a. 2007 State Homeland Security Program Grant – Citizen’s Alerting System Project

Tourism Department

- a. Virginia Fishing Trail (documents to be distributed at meeting)

Parks, Recreation and Cultural Development

- a. Revision to Board By-Laws – First Reading (documents to be distributed at meeting)

Purchasing Department

- a. “Old” Baptist Church Renovations
- b. Amherst Train Depot Grant

VIII. County Administrator’s Reports

- a. VRS Resolution
- b. Request for change in polling place – Jean T. Burley (documents to be distributed at meeting)

IX. County Attorney’s Report

- a. Memorandum of Understanding by and between Amherst County, Virginia and the Economic Development Authority of Amherst County

X. Appropriations/Transfers**XI. Matters from Members of the Board of Supervisors****XII. Adjourn**

Mr. Wood turned the floor over to Planning Commission Chairman Hedricks.

IN RE: PUBLIC HEARINGS - ZONING TEXT AMENDMENT – DOROTHY MORCOM

Planning Director Bryant presented a zoning text amendment from Dorothy Morcom to allow signs as a special exception in the R-1 Limited Residential District.

There were questions and discussion by Planning Commission members.

Applicant Dorothy Morcom provided comments and stated that her interest is approval of subdivision entrance signs.

Mr. Hedrick called the public hearing to order.

There were no speakers and the public hearing was closed.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, Mr. Fener moved approval of the zoning text amendment as advertised.

There was discussion and concerns with the County's legal ability to control content of signs.

Mr. Fener withdrew his prior motion.

On motion of Mr. Fener, seconded by Mr. Irvin and with the following vote, the Planning Commission tabled the request until the next regular joint meeting and directed staff to provide advice as to the Planning Commission and Board's authority to control sign size and content within the special exception process.

AYE: Mr. M. Heishman, Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Ms. C. Tucker, Mr. L. Parrish and Mr. L. Irvin

NAY: None

The Planning Commission adjourned.

IN RE: CONSENT AGENDA

The County Administrator presented the following consent agenda items for the Board's information.

- a. Public Safety Monthly Report - October 2008
- b. Building Safety and Inspections Monthly Report – October 2008
- c. VDOT Traffic Alerts – Nov. 10-14, 17-21, 2008

IN RE: CITIZEN COMMENTS

May Escher (418 Stapleton Rd., Gladstone, VA) addressed the Board and urged them to adopt a noise ordinance as they have specific concerns with barking dogs. She provided audio recording of dogs barking and howling heard from within her home.

IN RE: 2007 STATE HOMELAND SECURITY PROGRAM GRANT – CITIZEN'S ALERTING SYSTEM PROJECT

Gary Roakes, Public Safety Director, met with the Board and presented information regarding the award of a 2007 State Homeland Security Program – Citizen's Alerting System Project in the amount of \$40,000.00. The Certification of Compliance and Special Conditions forms certifying that it was read and understood the Federal and State terms and conditions associated with accepting the grant to be returned within 30 days.

IN RE: TOURISM DEPARTMENT - VIRGINIA FISHING DESTINATION

Joe Bondurant, Tourism Director, met with the Board and provided a status report of tourism development activities, with specific emphasis on fishing opportunities within the County. Mr. Bondurant requested adoption of a fishing promotion resolution.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the following resolution in support of the regional effort to promote areas of southwest and southern Virginia as a premier Virginia fishing destination.

RESOLUTION IN SUPPORT OF THE REGIONAL EFFORT TO PROMOTE AREAS OF SOUTHWEST AND SOUTHERN VIRGINIA AS A PREMIER VIRGINIA FISHING DESTINATION.

WHEREAS, the southwest and southern regions of Virginia are abundant with fisheries and tourism infrastructure that can accommodate and sustain visitation, and the economic impact of fishing and outdoor recreation in Virginia demonstrates that the angler market is one of significance to tourism.

WHEREAS, freshwater fishing in Virginia provides \$500,663,394 in retail sales, 9,213 jobs, \$228,392,324 in salaries, wages, and income, and \$105,641,717 in federal and state taxes.

WHEREAS, Tourism is a significant aspect of Virginia's economy as an \$18.7 billion industry in Virginia, supporting 210,000 jobs and providing \$1.2 billion in state and local tax revenue for Virginia's communities.

WHEREAS, other states such as Georgia, Alabama, Florida, and Alaska have all worked at their respective state levels to market their fisheries, but also to develop and coordinate attractions and amenities so as to increase the amount of visitation at their public fisheries.

WHEREAS, there is a concerted planning effort to promote the southwest and southern regions of Virginia as a premier fishing destination, with representatives of various Destination Marketing Organizations, Convention and Visitor Bureaus, localities, organizations, and state agencies such as the Department of Inland Game and Fisheries, the Department of Conservation and Recreation, and the Virginia Tourism Corporation involved in the planning effort.

WHEREAS, there are opportunities to fund the initial development of such a promotional effort through funding requests to the Virginia Tobacco Indemnification and Revitalization Commission, the Virginia Tourism Corporation, the Department of Conservation and Recreation, and other funding sources, as well as sustain the effort through partner contributions from localities, businesses and organizations.

THEREFORE BE IT RESOLVED that Amherst County is supportive of the effort to plan, request and secure funds, and develop a regional marketing effort to promote the southwest and southern regions as a premier fishing destination in Virginia.

BE IT FURTHER RESOLVED that Amherst County anticipates participating in the planning and development effort, and partnering by not only being actively involved in the effort, but also by partnering financially by providing \$500 initially to support the effort.

FINALLY BE IT RESOLVED that Amherst County fully supports the concerted planning effort to promote the southwest and southern regions of Virginia as a premier fishing destination by representatives of various Destination Marketing Organizations, Convention and Visitor Bureaus, localities, organizations, and state agencies such as the Department of Inland Game and Fisheries, the Department of Conservation and Recreation, and the Virginia Tourism Corporation, and intend to be an active partner in the overall planning and implementation of the promotional effort.

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

NAY: None

IN RE: "OLD" BAPTIST CHURCH RENOVATIONS

The County Purchasing Agent presented the following request for renovations for the Old Baptist Church renovations.

Telephone connections to County System:	\$ 5,811.00
Connection to County computer network:	2,000.00
Electrical upgrades including heat:	6,877.00
Carpet installation	855.00
Furnishings for County Attorney, Office Assistant and Human Resource	9,965.00
2 ea. Computers and printers	<u>3,000.00</u>
TOTAL	\$28,608.00

A copier and fax will also be required to accommodate the offices. This can be provided through a 36-month state contract rental agreement for \$157.00 per month. There may be other miscellaneous costs that we are unaware of at this time. To proceed with preparation of the office areas for occupation by the first of January, 2009, funding for these items need to be authorized.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors tabled the request for approval of the renovation plans for the Old Baptist Church until further consideration could be given to the overall space study plan.

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

NAY: None

IN RE: AMHERST TRAIN DEPOT GRANT

The County Purchasing Agent presented a request for authorization for the County Administrator to execute the project agreement for the next phase of the train depot relocation and renovation project.

There was a Board discussion

Mr. Vandall stated that he does not want any contracts let for this project until the Friends of the Depot have matching funds in hand.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the following resolution authorizing Rodney E. Taylor to execute the Transportation Enhancement Program Amendment to Project Development and Administration Agreement by Amherst County Depot Relocation Project EN97-005-130, P101, R201, and C501 – UPC 17595 on behalf of the Amherst County Board of Supervisors.

RESOLUTION

WHEREAS, Rodney E. Taylor is the County Administrator for Amherst County,

BE IT RESOLVED that Rodney E. Taylor has the authority to execute the Transportation Enhancement Program Amendment to Project Development and Administration Agreement by Amherst County Depot Relocation Project EN97-005-130, P101, R201, C501 – UPC 17595 on behalf of the Amherst County Board of Supervisors.

Adopted this 18th day of November, 2008.

Vernon L. Wood, Chairman
Amherst County Board of Supervisors

ROLL CALL VOTE:

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

IN RE: REVISION TO PARKS, RECREATION AND CULTURAL DEVELOPMENT BOARD'S BY-LAWS

The County Administrator presented information for the Board's consideration regarding the Parks, Recreation and Cultural Development Board's by laws to amend Article 3.3 of the by-laws currently reading "Each member shall serve no more than two (2) consecutive terms" to read "Each member shall serve no more than three (3) consecutive terms".

The Board of Supervisors by consensus moved to add this issue to the first regular meeting of December, 2008.

IN RE: VRS RESOLUTION

The County Administrator presented information regarding a proposed VRS resolution.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved adoption of the following resolution prepared by VRS to bring Amherst County into compliance with the Internal Revenue Service Ruling 2006-43 requiring governmental employers to demonstrate "formal authorization" of their pick-up plans for member contributions.

**RESOLUTION
AFFIRMATION OF AUTHORIZATION TO PICK-UP THE EMPLOYEE'S CONTRIBUTION TO VRS FOR
AMHERST COUNTY – 55104 UNDER §414(h) OF THE INTERNAL REVENUE CODE**

WHEREAS, AMHERST COUNTY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, Amherst County desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day or after **Date Affirmation is Passed**, Amherst County shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by AMHERST COUNTY in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by AMHERST COUNTY under the pickup arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by AMHERST COUNTY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of AMHERST COUNTY shall be picked up using the method under which the employer will pay the employees' statutorily required contributions to VRS and the salary will not be modified.

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

NAY: None

IN RE: VRS RESOLUTION FOR SERVICE AUTHORITY

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved adoption of the following resolution prepared by VRS to bring Amherst County Service Authority into compliance with the Internal Revenue Service Ruling 2006-43 requiring governmental employers to demonstrate "formal authorization" of their pick-up plans for member contributions.

RESOLUTION

AFFIRMATION OF AUTHORIZATION TO PICK-UP THE EMPLOYEE'S CONTRIBUTION TO VRS FOR AMHERST COUNTY SERVICE AUTHORITY – 55918 UNDER §414(h) OF THE INTERNAL REVENUE CODE

WHEREAS, AMHERST COUNTY SERVICE AUTHORITY provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, Amherst County Service Authority desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day or after **Date Affirmation is Passed**, Amherst County Service Authority shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by AMHERST COUNTY in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by AMHERST COUNTY SERVICE AUTHORITY under the pick-up arrangement shall be treated for all purposes other than income taxation, including but

not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pickup arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pickup contributions made by AMHERST COUNTY SERVICE AUTHORITY directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of AMHERST COUNTY SERVICE AUTHORITY shall be picked up using the method under which the employer will pay the employees' statutorily required contributions to VRS and the salary will not be modified.

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

IN RE: REQUEST FOR CHANGE IN POLLING PLACE – JEAN T. BURLEY

The County Administrator presented a request from a county citizen for change in polling place. He stated that he has discussed the issue with the County Registrar and determined that a change for this citizen would also affect others.

The Board of Supervisors moved to request advice from both the County Attorney and Registrar at the second regular meeting of December, 2008.

IN RE: MEMORANDUM OF UNDERSTANDING BY AND BETWEEN AMHERST COUNTY, VIRGINIA AND THE ECONOMIC DEVELOPMENT AUTHORITY OF AMHERST, VIRGINIA

The County Attorney presented a memorandum of understanding between Amherst County and the EDA.

On motion of Mr. Adams, and with the following vote, the Board of Supervisors moved adoption of the Memorandum of Understanding by and between Amherst County, Virginia and the Economic Development Authority of Amherst County detailing the mutual agreement between the EDA and the County in regard to services rendered by the County as Fiscal Agent for the EDA.

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

IN RE: APPROPRIATIONS/TRANSFERS

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

a. **APPROPRIATIONS**

Commonwealth Attorney

22010 5203	Telecommunication	\$ 131.30
(Forfeit Asset Funds)		

Sheriff's Department

31020 7001	Court House Beautification	\$ 6,200.00
31020 5804	Miscellaneous	2,567.00
(Fine Revenue)		
31020 1013	ACHS Athletic	\$ 2,718.16

(Pass through Revenue)		
31020 5804	Miscellaneous	\$ 1,000.00
(Drug Asset Forfeiture)		
3-3130 7001	Equipment	\$ 1,972.01
(Pass through Revenue)		

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

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. D. Kidd – stated that he desires that Mike Chandler be in attendance and provide a report at the first regular meeting of December, 2008. There was a Board discussion and consensus to set a special meeting for Mike Chandler as soon as possible with the understanding that he is to provide the written report prior to the meeting date.

Mr. D. Kidd – stated that there must be a coordinated effort to make sure that lights are turned on at the Coolwell Recreation Center in the morning prior to the opening of polls on election day.

Mr. C. Adams – requested reports on following:

1. Upgrade of County phone system
2. Vision statement reporting
3. Report on status of additional staffing for Pedlar Fire and Rescue.

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss (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.7 of the Virginia Code Section.

§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. Parrish 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. Parrish moved to come out of closed session, seconded by Mr. Adams 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: ADJOURN

On motion of Mr. Parrish, seconded by Mr. Adams and with the following vote, the Board of Supervisors adjourned until 7:00 p.m., Monday, November 24, 2008 for employee recognition program at Sweet Briar College.

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