

BOOK 32**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 16th day of December, 2008 at 7:00 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	

PLANNING COMMISSION:

PRESENT:	Mr. L. Parrish	ABSENT: Ms. C. Tucker
	Mr. D. Hedrick	
	Mr. R. Fener	
	Ms. B. Jones	
	Mr. M. Heishman	
	Mr. L. Irvin	

Mr. Wood called the meeting to order.

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

AGENDA

**TUESDAY, DECEMBER 16, 2008
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
7:00 P.M.**

- I. Call to Order**
- II. Approval of Agenda**
- III. Public Hearings**
 - a. 2008-27 Zoning Text Amendment – Dorothy Morcom
- IV. Consent Agenda**
 - a. Calendar Items
 - (i) **Reschedule joint Board of Supervisors and Planning Commission meeting with Mike Chandler for Monday, January 12, Tuesday, January 13 or Wednesday, January 14.**
 - b. Building Safety and Inspections Monthly Report – November 2008
 - c. United States Department of Commerce – Census – Letter of December 1, 2008
 - d. Virginia's Region 2000 Local Government Council – Letter of December 4, 2008
 - e. Virginia's Rail Heritage Region – Letter received December 9, 2008
 - f. VDOT Traffic Alerts – Dec. 1-5, 8-12, and 15-19, 2008
- V. Citizen Comments**
- VI. Department Reports**

Public Safety Department

 - a. Revenue Recovery Rate

VII. County Administrator's Reports

- a. Nelson Volunteer Coalition
- b. Appointment - John Mulvey as Secretary/Treasurer EDA

VIII. Appropriations/Transfers**IX. Matters from Members of the Board of Supervisors****X. Closed Meeting - 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. HR Position

§2.2-3711.A.3 - Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

- a. Discussion concerning disposition of publicly held real estate (2 items)

XI. Adjourn

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

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

IN RE: PUBLIC HEARINGS - 2008-27 ZONING TEXT AMENDMENT – DOROTHY MORCOM

Planning Director Bryant reviewed zoning case 2008-27 which had been heard at Public Hearing November 18, 2008 and presented two options for consideration which have been developed by the County Attorney.

PLANNING COMMISSION RECOMMENDATION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Fener, seconded by Ms. Jones and with the following vote, the Planning Commission moved to recommend approval of Option "B".

AYE: Mr. L. Parrish, Mr. D. Hedrick, Mr. R. Fener, Ms. B. Jones, Mr. M. Heishman and Mr. L. Irvin
NAY: None
ABSENT: Ms. Tucker

BOARD OF SUPERVISORS' ACTION: Due to public necessity, convenience, general welfare or good zoning practice, on motion of Mr. Parrish, the Board moved to approve the Planning Commission recommendation.

There was Board discussion.

Mr. Parrish amended his motion to remove wording "as provided in Section 907" of 703.03. Special exceptions – No. 11 and the Board of Supervisors moved to approve the Planning Commission recommendation as follows:

703. Limited Residential District R-1.

703.01. Intent of Limited Residential District R-1. This district is composed of certain quiet, relatively low-density single-family residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district. To that end, development is limited to single unit dwellings plus certain low impact uses that serve the individual households of the district.

703.02. Permitted uses. Within the Limited Residential District R-1 the following uses are permitted:

1. Single-family dwellings that are built in accordance with the Virginia Statewide Building Code.
2. Accessory structures.
3. Home occupations so long as the following criteria are met, are permitted: no outside storage, no signage, no employees or customers may come to the property, no increase in neighborhood traffic or change in type of traffic may occur.
4. 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.
5. Public streets.
6. Wireless communication facilities in which an antenna array and supporting equipment are placed on an existing electrical utility tower or radio tower, provided that the requirements of Section 914 are met.

703.03. Special exceptions:

1. Churches.
2. Public schools.
3. Cemeteries, private or church.
4. Emergency services.
5. Homes for aged.
6. Two-family dwelling which has an outward appearance of a single-family dwelling.
7. Private clubs having facilities such as golf courses, tennis courts and swimming pools.
8. Planned unit developments.
9. Short-term tourist rental or dwelling.
10. Wireless communications facilities in which an antenna array and supporting equipment are placed on a freestanding, non-residential structure or tower other than those listed in Section 703.02(6.) above, provided that the requirements of Section 914 are met.
11. Neighborhood entrance signs.

(Ord. of 8-15-06(4); Ord. of 10-17-06(4); Ord. of 7-17-07(4))

704. General Residential District R-2.

704.01. Intent of General Residential District R-2. This district is composed of certain quiet, medium density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district. To that end, development is limited to one-, two-, three- and four- unit dwellings, plus certain low impact uses that serve the individual households and the neighborhood as a whole.

704.02. Permitted uses. Within the General Residential District R-2 the following uses are permitted.

1. All those allowed in R-1
2. Manufactured homes which must be transported in two (2) or more sections, each of which is attached to a permanent chassis.
3. Two-, three-, and four-family dwellings that are built in accordance with the statewide building code.
4. Public facilities; i.e.; schools, parks, emergency services, libraries, post offices.
5. 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.

704.03. Special exceptions:

1. All special exceptions listed in R-1 zone.
2. Day care centers.
3. Multi-family dwellings with an aggregate of not more than eight (8) units.
4. Signs as provided in Section 907.
5. Manufactured homes as provided in Section 908.
6. Short-term tourist rental of dwelling.

(Ord. of 2-18-03(4); Ord. of 10-17-06(4))

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

NAY: None

IN RE: AGENDA

The County Administrator informed the Board and Planning Commission that Mike Chandler has requested that his meeting with them be rescheduled until January 2009.

The Board of Supervisors by consensus rescheduled the joint Board and Planning Commission meeting with Mike Chandler for 4:00 p.m., Monday, January 12, 2009.

The Planning Commission moved their meeting to another room.

IN RE: CONSENT AGENDA

- a. Calendar Items
- b. Building Safety and Inspections Monthly Report – November 2008
- c. United States Department of Commerce – Census – Letter of December 1, 2008
- d. Virginia's Region 2000 Local Government Council – Letter of December 4, 2008
- e. Virginia's Rail Heritage Region – Letter received December 9, 2008
- f. VDOT Traffic Alerts – Dec. 1-5, 8-12, and 15-19, 2008

The Board of Supervisors reviewed the consent agenda.

IN RE: CITIZEN COMMENTS

There were no citizen comments.

IN RE: PUBLIC SAFETY DEPARTMENT - REVENUE RECOVERY RATE

Gary Roakes, Public Safety Director met with the Board and provided two options for revising the current EMS rate structure.

There was a Board discussion.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved adoption of Option #1 as follows:

Amherst County Dept. of Public Safety

Projection for Revenue Recovery Rate

FEE INCREASE		Current	PROJECTED	RECOMMENDED	PROJECTED
PROJECTED REVENUE	# CALL	FEES	REVENUE	FEES	REVENUE
BLS - Non Emergency	0	300.00	0.00	350.00	0.00
BLS - Emergency	1,650	300.00	495,000.00	350.00	577,500.00
ALS - 1 Non Emergency	0	400.00	0.00	500.00	0.00
ALS - 1 Emergency	1,325	400.00	530,000.00	500.00	662,500.00
ALS - 2	30	550.00	16,500.00	600.00	18,000.00
SCT - Speciality Care Trans		0.00	0.00	0.00	0.00
TOTAL BASE RATE REVENUE	3,005		1,041,500.00		1,258,000.00
MILEAGE	10 MILES				
MILEAGE -	31,000.00	8.25	255,750.00	9.25	286,750.00
	0.00	8.25	0.00	9.25	0.00
TOTAL MILEAGE REVENUE	31,000.00		255,750.00		286,750.00
TOTAL REVENUE BASE+MILEAGE			1,297,250.00		1,544,750.00
65% collection rate			843,212.50		1,004,087.50

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

NAY: None

IN RE: NELSON VOLUNTEER COALITION

The County Administrator presented a request from Margaret Morton and Lynne Carson for a \$1,000 donation to the Nelson Volunteer Coalition.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved to donate \$1,000 to the Nelson Volunteer Coalition and to direct the County Administrator to make the necessary budget transfer.

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

NAY: None

IN RE: APPOINTMENT - JOHN MULVEY AS SECRETARY/TREASURER EDA

The County Administrator presented a request to appoint John Mulvey as Secretary and Treasurer of the Amherst County EDA.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved to appoint John Mulvey, County Economic Development Director, as Secretary/Treasurer of the Amherst County EDA.

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

NAY: None

IN RE: APPROPRIATIONS/TRANSFERS

On motion of Mr. Vandall and with the following vote, the Board of Supervisors moved approval of all Appropriation/Transfers with change of transfer of \$23,399.15 from professional services to legal services in the Board of Supervisor's budget.

a. APPROPRIATIONS**SHERIFF'S DEPARTMENT**

31020	3004	100	Auto Repairs – Ins.	\$1,751.51
31020	1013		ACHS Athletic	1,830.05
33010	3001		Medical	637.25
8-3125	1008		DMV	421.11
31020	3004	100	Auto Repairs – Inc.	830.95

ANIMAL CONTROL

35010	3010	100	Auto Repairs – Ins.	\$ 459.55
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COMMUNITY DEVELOPMENT/PROJECTS

81090-3002-100-100-110	Prof SVC – Reg Correction Study	\$6,431.48
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b. TRANSFERS**SHERIFF – JAIL****Transfer from**

33010	3005	Maint SVC	\$ 900.00
31020	3005	Maint SVC	3,658.00
33010	5308	Auto Ins.	1,800.00
33010	5415	Photo Supply	331.00
33010	5804	Pre Employment	1,331.00
33010	7003	Comm Equip	393.00
33010	7009	Misc Equip	836.00
33010	5410	Uniform	2,500.00

Transfers to:

31020	5308	Liability Ins.	\$2,654.00
31020	7005	Vehicle	1,004.00
33010	5409	Police Supply	500.00
33010	5449	Tires	400.00
31020	5308	Auto Ins	1,800.00
31020	5804	Pre Employ	1,331.00
31020	5410	Uniform	2,500.00
33010	7001	Equipment	1,560.00

PUBLIC SAFETY**Transfer from:**

35050	7001	Equipment	\$ 500.00
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Transfer to:

35050	3009	Repairs	\$ 500.00
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BOARD OF SUPERVISORS**Transfer from:**

11010	3013	Professional Services	\$23,399.15
11010	3013	Professional Services	365.00

Transfer to:

11010	3020	Legal Services	\$ 23,399.15
11010	5804	Miscellaneous	365.00

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

NAY: None

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Don Kidd – requested an update from the County Attorney on proposed noise ordinance discussion. Mr. Hunt informed the Board that a meeting is scheduled for 3:00 p.m., January 8, 2009.

Chris Adams – requested information from County Administrator regarding where penalties and delinquent tax collection funds are deposited.

Leon Parrish – requested status of disposition of several unsafe houses within the County.

IN RE: CLOSED SESSION

Mr. Adams moved to go to closed session to discuss a (1) personnel matter (3) discussion relating to the acquisition or disposition of real property of the Virginia Code Section involving:

§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.3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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. Kidd moved to come out of closed session, 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. 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: ADJOURNMENT

On motion of Mr. Adams, seconded by Mr. Vandall and with the following vote, the Board of Supervisors moved to adjourn.

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