

**BOOK 33****VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 19<sup>th</sup> day of May, 2009 at 7:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

Mr. L. Parrish, Chairman, called the meeting to order.

Mr. R. Vandall led in the invocation and pledge of allegiance to the flag.

**IN RE: AGENDA**

On motion of Mr. Vandall and with the following vote, the Agenda for May 19, 2009 of the Board of Supervisors was approved.

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

NAY: None

**IN RE: 2009-03 ZONING TEXT AMENDMENT TO EXTEND THE AMOUNT OF TIME FOR CONSIDERATION OF A REQUEST FOR SPECIAL EXCEPTIONS, ZONING AMENDMENTS AND SUBDIVISION PLAT APPROVAL**

2009-13 Request by the County of Amherst for a zoning text amendment to extend the amount of time for consideration of a request for special exceptions, zoning amendments, and subdivision plat approval. The Virginia Code allows localities to extend up to one hundred (100) days for approval of a special exception, twelve months (12) for a zoning amendment, and sixty (60) days for a subdivision plat approval. The proposed ordinance will modify the existing Amherst County ordinance to include the maximum allowed time per the Virginia State Code.

The Planning Commission chose to use the maximum allowable time for the special exception, and subdivision approval. The Planning Commission recommended two-hundred (200) days for approval of a zoning amendment, which is an increase of the current ordinance of one-hundred (100) days but not the maximum allowed by Virginia Code. On the Board of Supervisors "first reading" they authorized staff to advertise the amendment for the public hearing with the maximum time allowed per state code.

The Planning Commission recommended approval of the request as submitted at the public hearing.

The public hearing was opened for discussion.

There were no comments and the public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the text amendment as follows:

*1003.03. Application procedures for special exception.* Applications for a zoning permit for a special exception shall be submitted to the zoning administrator, who shall refer the application to the board of supervisors for a public hearing. Applications for zoning permits for special exceptions must be submitted in accordance with the following procedures:

1. An application shall be accompanied by site plan documentation as required under Article XI hereunder.

2. The application shall be sent ~~concurrently~~ to the commission and the board of supervisors, **following the commission's recommendation**. The commission shall have **one hundred (100)** ~~sixty (60)~~ days within which to review and submit a recommendation to the board of supervisors. The commission shall hold a public hearing on the application for a special exception in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. If the commission fails to submit a report within a **one hundred (100)** ~~sixty (60)~~-day period, it shall be deemed to have approved the proposed special exception

3. The board of supervisors shall consider the proposed special exception after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special exception within **twelve (12) months** ~~sixty (60) days~~ from the date of the public hearing.

1004. Procedure for requesting a zoning amendment.

The board of supervisors may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the provisions herein or subsequently established. Proposals for zoning amendments, whether initiated by the board of supervisors, the commission, or by written petition of the owner, contract purchasers with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, shall be treated in accordance with the following procedure:

*1004.01.* An application must be submitted in writing to the zoning administrator and must be accompanied by two (2) copies of an acceptable site plan, where applicable, of the proposed amendment in accordance with Article XI herein and with such other reasonable information shown thereon as shall be required by the zoning administrator. The zoning administrator shall submit said application ~~concurrently~~ to the commission and the board of supervisors.

*1004.02.* The commission shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. The commission shall present its recommendations to the board of supervisors. If the commission fails to submit its recommendation to the board of supervisors within **one hundred (100)** ~~sixty (60)~~-days of the first meeting of the commission after the proposed amendments has been referred to it, the commission shall be deemed to have approved the proposed amendment.

*1004.03.* The board of supervisors shall consider the proposed amendment after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed amendment within **twelve (12) months** ~~one hundred twenty (120) days~~ from the date of the public hearing.

*1004.04.* Any petition for a zoning amendment may be withdrawn prior to action thereon by the board of supervisors at the discretion of the person, firm, or corporation initiating such a request, upon written notice to the zoning administrator.

*1004.05.* A property owner, or his appointed agent, shall not initiate action for a zoning amendment affecting the same parcel of land more often than once every twelve (12) months.

1007. Request for subdivision plat approval.

Whenever the owner or proprietor of any tract of land located within the county desires to subdivide the same, he shall submit a plat of the proposed subdivision to the zoning administrator for processing.

*1007.01. Pre application review.* Whenever the subdivision of a tract of land within the county is proposed, the subdivider is encouraged to consult with the zoning administrator for advice or assistance. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout of the subdivision. The zoning administrator shall return the submitted sketch plans to the subdivider with written comments indicating where the plans do not comply with the requirements set forth herein. Submission of said sketch plans and accompanying data shall not constitute the official filing of a proposed subdivision.

*1007.02. Preliminary plat review.* Any person proposing a subdivision of land other than a family division or a reconfiguration, as provided for in Section 1207 herein, shall submit to the zoning administrator five (5) copies of a preliminary plat showing the general design and layout of the subdivision, of which one copy each shall be delivered by the zoning administrator or planning director to the resident engineer and if individual water or sewer is proposed one (1) copy to the health department. One (1) copy each shall also be delivered to the sanitary district and the town, when applicable, as determined by the zoning administrator or planning director. The preliminary plat shall be reviewed in accordance with the procedures set forth in Articles XII and XIII herein. Prior to review by the planning commission the plat shall be reviewed by the development review committee at their regularly scheduled monthly meeting. Subdivisions specified in Section 1207.03 of this ordinance may be exempt from review by the planning commission and development review committee.

*1007.03. Commission action on preliminary plat.* Within **sixty (60)** ~~forty five (45)~~ days after submission of the preliminary plat and accompanying documents to the zoning administrator, the commission shall approve, approve with conditions, or disapprove the preliminary plat; the commission shall cause to have prepared two (2) copies of a statement noting reasons for commission disapproval or conditioned approval, if applicable, and shall return one (1) copy of statement and plat to the subdivider with notification in writing of the action of the commission. One (1) copy of said statement and preliminary plat shall be retained by the zoning administrator for comparison with future preliminary or final plats, where applicable, submitted by the subdivider.

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

NAY: None

**IN RE: 2009-08 – REQUEST FOR CONDITIONAL ZONING FROM R-2 GENERAL RESIDENTIAL DISTRICT TO V-1 VILLAGE CENTER DISTRICT**

2009-08 Request by Kimberly Anderson for a conditional zoning from R-2 General Residential District to V-1 Village Center District. The proposed rezoning is to allow a hair cutting shop in the basement of a single-family dwelling. The parcel is located at 360 Old Wright Shop Road, and is further identified as tax map number 156B-2-1, 3B. The request will include an amendment to the Amherst County future land use map 2027 to change the land use category from Medium Density Residential to Village.

The petitioner voluntarily submitted the following proffer(s) with the rezoning application:

- 1) Lighting. All proposed outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- 2) Site Plan. The subject property shall be developed in compliance with the site plan received by the Planning Department on February 19, 2009.
- 3) Employees. No employees other than those that reside at the property.
- 4) Hours of operation. Monday – Saturday, 9 a.m. – 6 p.m.; Closed on Sunday.

- 5) Signs. A freestanding sign will not be allowed, only wall mounted that meet the Amherst County sign ordinance.
- 6) Trash Receptacles/Recycling Activities. Must be conducted inside the building only.
- 7) Other uses. All other uses other than single-family residential, and hair cutting shops in the V-1 Village Center District will not be allowed on the property.
- 8) Parking. Will receive permission to obtain three (3) parking spaces from Mr. Dale Carson at tax map 156B-6, B-1, 357 Old Wright Shop Road, Madison Heights, Va.

The Planning Commission recommended approval of the request.

The public hearing was opened for public comment.

Proponents: None  
Opponents: None

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors moved approval of the request with the proffers offered by the applicant and also an amendment to the Amherst County future land use map 2027 to change the land use category from Medium Density Residential to Village.

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

Mr. Vandall requested that the Planning Commission look at the area regarding rezoning the area.

**IN RE: 2009-09 – REQUEST FOR A SPECIAL EXCEPTION IN THE FH FLOOD HAZARD OVERLAY DISTRICT**

2009-09 Request by George Springer for a special exception in the FH Flood Hazard Overlay District. The purpose of the special exception is to allow an accessory structure located adjacent to the James River. The property is located at 2099 River Road (State Route 685), and is further identified as tax map number 146-A-7.

The Planning Commission recommended approval of the request with no conditions.

The public hearing was opened for public comment.

Proponents: None  
Opponents: None

The public hearing was closed.

On motion of Mr. Adams and with the following vote, the Board of Supervisors approved the request to allow a special exception in the FH Flood Hazard Overlay district for an accessory structure located adjacent to the James River.

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

**IN RE: 2009-10 – REQUEST FOR A SPECIAL EXCEPTION IN THE V-1 VILLAGE CENTER DISTRICT**

2009-10 Request by Cathy Larson for a special exception in the V-1 Village Center District. The purpose of the special exception is to allow a restaurant at the existing Mountain View Market. The property is located at 1900 Lowesville road and is further identified as tax map number 39-A-51. Additionally, the request is for a change in an existing proffer that required the business located at 1900 Lowesville Road to close by 8:30 p.m. The proffer stated, "Close at 20:30 hours (8:30 p.m.) nightly", the applicant is requesting to extend the hours to 9:30 p.m.

**Staff recommended conditions:**

- All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- Additional conditions may be recommended by the Planning Commission, and imposed by the Board of Supervisors

The Planning Commission recommended approval of the request with staff recommended conditions as noted above.

The public hearing was opened for public comment:

Proponents: Lourene Massie, Mark Labadie, Nita Wheeler, Carolyn Crump and Bill Tucker  
Opponents: None

The public hearing was closed.

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the request for a special exception to allow a restaurant at the existing Mountain View Market with the conditions provided by staff.

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

**IN RE: CASE #2009-11 – REQUEST FOR A SPECIAL EXCEPTION IN THE V-1 VILLAGE CENTER DISTRICT**

2009-11 Request by David and Alice Kenney for a special exception in the V-1 Village Center District. The purpose of the special exception is to allow a retail store to include: antique, gift and craft located at 2816 Lowesville Road and is further identified as tax map number 29-A-14.

**Staff recommended conditions:**

- All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
- Hours of operation to be limited to: 8 a.m. – 8 p.m. – Monday thru Sunday

**Planning Commission Recommendation**

The Planning Commission recommended approval of the request with staff recommended conditions as noted above.

The public hearing was called to order and opened to public comment.

Proponents: Mr. D. Crump, Mr. B. Tucker  
Opponents: None

The public hearing was closed.

On motion of Mr. Adams and with the following vote, the Board of Supervisors moved approval of the request for a special exception in the V-1 Village Center District to allow a retail store to include: antique, gift and craft with the staff conditions.

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

**IN RE: PUBLIC HEARING - PUBLIC HEARING SCHOOL BOARD APPOINTMENT**

The Acting County Administrator informed the Board that Susan Cunningham's term representing District 5 on the Amherst County School Board is expiring June 30, 2009. She is the only applicant.

Chairman Parrish called the public hearing to order as advertised.

There were no speakers and the public hearing was closed.

The Board of Supervisors directed the County Administrator to set candidate interviews for the first regular meeting in June 2009.

**IN RE: WIRELESS COMMUNICATION TOWER**

A public hearing was scheduled for May 19, 2009 for a request to erect a wireless communications tower on property owned by the Pedlar Volunteer Fire Department and Rescue Squad located at 4893 Lexington turnpike, Amherst, Virginia 24521. The purpose of the proposed tower is to receive and transmit electronic data for Emergency Medical Services calls. The tower is proposed to be eighty (80) feet in height. Section 914.03(7) of the Code of the County of Amherst, Virginia ("Amherst County Code"), states that wireless communications towers can be no more than fifty (50) feet in heights. The Amherst County Board of Supervisors will consider excluding this public improvement from the Wireless Communication Ordinance per Section 1.7(5) of the Amherst County Code.

The public hearing was called to order.

Mr. Adams questioned the height of the tower in regard to the Broadband situation.

There were no other comments.

The public hearing was closed.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors tabled the request until the second meeting in June.

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

**IN RE: CITIZEN COMMENTS**

Chairman Parrish called for citizen comments.

The following citizens spoke in regard to the resignation of Rodney E. Taylor.

Dan Hughes	Cindy Bowen	Mark Labadie
Steve Martin	Sally Mock	Lynn Cable
Amanda deColigny	Pat Dreher	Curtis Crump
Ned Cable	Tim Casper	Lorraine Burford
David Burford		

Citizen comment section was closed.

**IN RE: BREAK**

On motion of Mr. Wood and with the following vote, the Board of Supervisors took a five minute break.

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

Mr. Parrish called the meeting back to order.

**IN RE: CONSENT AGENDA**

The following items were listed for the consent agenda. The Board of Supervisors attention was bought to item "g" - Student recognition at 7:30 p.m., June 2, 2009 at the Amherst County High School.

- a. Calendar Items
- b. Building Safety and Inspections monthly report for April 2009
- c. 2009 Personal Property Tax Relief for the Elderly and Disabled
- d. Virginia Wireless E-922 Services Board – FY10 PSAT Grant
- e. Dept. of Environmental Quality – May 14, 2009 – VPDES Permit Reusens Hydroelectric Plant
- f. Clean the Bay Day
- g. Student recognition 7:30 p.m., June 2, 2009 at the Amherst County High School
- h. VMI/VACo/APCo Steering Committee Letter of May 11, 2009
- i. Traffic Alerts – May 11-15, 2009

**IN RE: LOCAL AID TO THE COMMONWEALTH CONTRA REVENUE**

Virginia's Department of Planning and Budget (DBP) require localities to submit a certification of election method in which the locality will choose to handle State revenue reduction.

As part of the 2009 Acts of Assembly, Amherst County has a reduction in State Revenues for FY2010 of \$190,739.00; which is the same as the County FY2009 reduction. To be in compliance with the Office of the DBP requirement, the County will need to certify one of the three methods offered in achieving its reduction by June 1, 2009.

During the 2008-2009 fiscal years, the County chose to make a lump sum reimbursement directly to the Commonwealth for the entire reduction amount.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the Acting County Administrator to sign the following letter of certification of revenue reduction:

May 20, 2009

Aid to Locality Reductions  
Virginia Department of Budget and Planning  
1111 E. Broad Street, Room 5040  
Richmond, VA 23219-1922

To Whom It May Concern:

In accordance with the direction included in the Instructions for Submitting Aid to Local Government Reduction Elections issued by the Department of Planning and Budget during April, 2009, I am writing to certify Amherst County's reduction election for Fiscal Year 2010 and transmit the required hardcopy of the Reduction Election Form.

The General Assembly chose to respond to shrinking revenue growth anticipated in the 2008-2010 biennium by shifting to local governments the responsibility for reducing \$100 million of core services. This action was approved by the Governor without identifying the programs to be reduced. These reductions are in addition to those made by the General Assembly, and approved by the Governor, affecting law enforcement, elementary and secondary education, profits from the Alcoholic Beverage Control tax collections, constitutional offices, the upgrade of wastewater treatment and farmland preservation to name but a few. Amherst County is very concerned that this \$100 million reduction will be carried forward into future biennia forcing city and county governments to either raise taxes or permanently reduce services.

Amherst County has elected to make a reimbursement payment directly to the Commonwealth for the locality's entire share of the reductions. This transaction will be reflected in the locality's records as negative revenue under the heading, **Local Aid to the Commonwealth Contra Revenue.**

Certified by:

David R. Proffitt  
Acting County Administrator

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

**IN RE: SPACE STUDY WORKSHOP**

At the May 5, 2009 meeting the Board briefly discussed the County's space needs planning. There was a consensus to discuss setting a special space needs workshop date at the May 19, 2009 meeting.

Mr. Vandall asked just how much space does the Treasurer, Commissioner of Revenue and Extension Office need.

Mr. Kidd question about electronic filing versus all paper files.

After questions and discussion, the Board of Supervisors by consensus set Tuesday, June 9, 2009 at 9:30 a.m. for a space study workshop.

**IN RE: INVITATION AMHERST COUNTY HIGH SCHOOL GRADUATION**

All members of the Amherst County Board of Supervisors were invited to join the School Board, on stage, at the High School graduation which is scheduled for 7:00 p.m., Thursday, June 4, 2009 at the Liberty University Vines Center. Board members who wish to attend should arrive no later than 6:30 p.m. and will have parking passes.

Mr. Parrish, Mr. Adams and Mr. Kidd plan on attending.

**IN RE: BOARD OF SUPERVISORS SUMMER MEETING SCHEDULE**

On motion of Mr. Adams and with the following vote, the Board of Supervisors set the July and August meeting schedule as follows:

Change the first meeting of July 7, 2009 @ 1:00 p.m. to July 21, 2009 @ 1:00 p.m. and leave the night meeting for 7:00 p.m. as usual.



Change the first meeting of August 4, 2009 @ 1:00 p.m. to August 18, 2009 @ 1:00 p.m. and leave the night meeting for 7:00 p.m. as usual.

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

**IN RE: REQUEST FOR CREDIT CARD**

The Information Technology Department is requesting the issuance of a credit card for their use towards purchasing related equipment and in the event of an emergency.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the issuance of a credit card to the Information Technology Department with instructions to adhere to the Amherst County Credit Card Policy.

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

**IN RE: RECREATION BUILDING HVAC**

The heat pump system in the Recreation building is not functioning and has been determined to be beyond reasonable repair. It is 18-19 years old. The low bid is from Southern Air, Inc. for \$4,681.00.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors approved the awarding of the contract to Southern Air, Inc. for \$4,681.00 and to appropriate those funds from the deferred revenue bond financing.

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

**IN RE: HEALTH DEPARTMENT RENOVATIONS**

Bill Cash and David Proffitt met with Dr. Gately, Health Department Director as well as the Regional and local managers and agreed improvements should be made. A plan for the improvement have jointly been developed which includes a phased approach of removing all furniture and equipment items and storing in a secure storage unit. While each area is clear, all walls would be painted, carpet replaced as needed, and thorough cleaning provided by the County's janitorial contractor including stripping/waxing floors, cleaning light/air diffusers, thresholds, windows, etc.). All painting, base removal and replacement as well as moving of furniture and equipment will be performed by County maintenance personnel. All cleaning services will be performed by the County's janitorial contractor as part of his contracted services. The Health Dept. has completed a "spring cleaning" by disposing of surplus property, records, etc. and is ready for work to commence at the County's discretion.

Estimated cost for the planned work is:

Carpet/Tile Replacement (state contract)	\$ 3,040.00
Vinyl base molding	\$ 2,000.00
Storage container (monthly rental)	\$ 350.00
Paint supplies	\$ 800.00
Overtime labor	<u>\$ 7,740.00</u>
<b>TOTAL</b>	<b>\$13,930.00</b>

On motion of Mr. Kidd and with the following vote, the Board of Supervisors approved the renovations as described with the approximate total cost of \$13,930.00 and to appropriate those funds from the deferred maintenance bond financing.

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

**IN RE: SIDEWALK REPAIR/REPLACEMENT**

There are four (4) areas of concrete sidewalks that serve county buildings which have been identified as significant trip/safety hazards. Two areas serve the courthouse, one connects the courthouse and jail and the other serves the lower level of the County Administration Building. The existing sidewalk areas to be repaired/replaced have become very uneven at expansion joints due to ground settling, etc. Three bids were obtained for this work. The low bid is from Blue Ridge Concrete as follows:

Courthouse walkways	\$2,821.50
Jail/Courthouse walkways	\$2,421.50
Administration Building	<u>\$4,500.00</u>
<b>TOTAL</b>	<b>\$9,743.00</b>

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorizes the concrete repair work for the Courthouse, Jail and County Administration Buildings as bid by Blue Ridge Concrete in the amount of \$9,743.00 and to appropriate those funds from the deferred revenue bond financing.

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

**IN RE: COUNTY PARK RULES SIGNS**

Two of the park rule signs have been either damaged or destroyed and need to be replaced. The cost for these signs is \$169.00 each. There are no funds in the Recreation or Maintenance Department budgets for their replacement.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorize the purchase and replacement of two (2) county park rule signs for a total cost of \$338.00 and to appropriate those funds from the deferred revenue bond financing.

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

Mr. Vandall also suggested that items like this should be budget for in the appropriate budget.

**IN RE: COUNTY TELEPHONE SYSTEM UPGRADE**

Amherst County was informed this past fall by its telecommunications service provider (Embarq) of the need for a system software/hardware upgrade. The existing software will no longer be provided with service support after July, 2009. The proposed cost for the upgrade by Embarq is \$5,986.00. Due to the proposed cost, the age of the current telephone system (approximately fourteen (14) years), and the financial condition of the equipment manufacture it has been deemed prudent to investigate alternatives. A procurement process has been conducted to solicit and establish independent telephone consulting services. It is anticipated that a course of action will be developed and presented to the Board, during the month of June, 2009. This cost was anticipated and briefly presented to the Board as part of a proposed reprioritized CIP spreadsheet at the February 17, 2009 meeting.

**IN RE: MONACAN PARK**

For information for the Board, the septic system drainfield has failed at the Monacan Park.

**IN RE: STIMULUS FUNDING INFORMATIONAL MEETING**

Delegate Shannon Valentine has offered to arrange a special stimulus funding informational meeting for Amherst County. Delegate Valentine and Barbara Reese, Governor Kaine's Policy Director and "Deputy Czar" for stimulus funding would provide information and answer questions. She suggests that in addition to the Board of Supervisors that we invite the School Board, Chamber of Commerce members and constitutional officers.

**IN RE: REGIONAL JAIL PROJECT**

Funds are being requested from the financing proceeds to reimburse Appomattox for \$35,000. Under section 10 of the agreement with the Blue Ridge Regional Jail Authority, it states Amherst County and Appomattox County would reimburse the Authority for the time the Authority's employees and consultants spend on the construction of the Amherst County Adult Detention Center on September 1 during fiscal years of 2008 and 2009 in the amount of \$50.00. The percentage of reimbursement would be based upon the inmate population from each jurisdiction.

During the February 17<sup>th</sup> Board of Supervisors meeting, a revised allocation of proceeds was distributed for information to the Board. On this revised or reprioritized list of funding of projects; the Regional Jail shows a capital estimated need of \$900,000. This reimbursement to Appomattox would come from the proceeds generated through the EDA's financing.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors authorized the reimbursement of \$35,000 to Appomattox and the appropriation from the proceeds generated through the EDA's financing.

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

NAY: None

**IN RE: BILL OF OBSERVATION AND RECOMMENDATIONS FROM EDA TO BOS**

The EDA drafted the following document in an attempt to address specific instances and ways that communication and relations between the EDA and the BOS can be improved in the future. The EDA desires a joint meeting with the BOS to discuss the document in detail.

May 6, 2009

This Bill of Observations and Recommendations from the Amherst County Economic Development Authority ("EDA") to the Amherst County Board of Supervisors ("BOS") is intended to communicate the EDA's collective perception of the relationship between the BOS, the County Administrator, and staff regarding how to improve communications and relations.

1. EDA has not been made fully aware of prospective business relocation/expansion until the deal had already been finalized (exs: QAD, England Transport). Case in point, currently, Social Services Facility, and two (2) new customer contacts to Amherst County (the "County").
2. EDA feels the BOS, County Administrator, and staff are generally not utilizing the talents and business acumen of the Authority members.
3. EDA has not received an acceptable financial report after many requests for such made to County Administration. Report to include source of income, expense, balance sheet, budget vs. actual income and expense.
4. The County Strategic Plan indicated the BOS to turn over control of the balance of land in the Amelon Commerce Center and Zane Sneed Industrial Park to EDA. Before the property title is

transferred, the EDA desires the BOS get a recommendation from the EDA before placement of any entity in the Center/Park or intent is made public.

5. BOS is encouraged to seek recommendations and/or opinions from EDA prior to granting or making public any incentives to prospective new or existing businesses.
6. BOS is requested to invite the EDA members or its representative(s) to any closed meeting session when prospective new or existing businesses are discussed. The EDA wishes to affect a closer working relationship with the BOS that will allow EDA to meet the needs and expectations of the BOS and citizens of the County. To this end, EDA recommends periodic joint meetings to communicate progress and insure the EDA's investment of time is properly focused on the County Strategic Plan with regard to economic development direction as this current economic situation evolves.
7. EDA recommends to BOS that the position of Director of Economic Development for Amherst County Economic Development Authority be under the joint supervision of the EDA and the County, including but not limited to development of Employee Work Profile, annual job performance evaluation, and hiring and firing of this position.
8. EDA understand the opportunities provided by the Amherst County Wireless Broadband Authority and wishes to assist in this enterprise as the BOS may envision.

Please accept this Bill of Observations and Recommendations as an indication of the EDA's desire to accept responsibility for identifying the troubled communications and relations of late, but with the hope that by this effort a commonality of purpose will emerge from our labors, that will provide the quality of leadership the citizens of the County require.

Respectfully Submitted,

Michael J. Russell  
Chairman,  
Amherst County Economic Development Authority

The Board of Supervisors by consensus set June 10, 2009 for a lunch time meeting with the EDA at Sweet Briar College if it can be arranged.

**IN RE: AMHERST COUNTY BROADBAND AUTHORITY**

Bryan David, Region 2000 Economic Development Council, Executive Director has provided the following recommendations for commencement of Broadband Authority activities.

**Virginia's Region 2000  
Economic Development Council**  
828 Main Street, 12<sup>th</sup> Floor  
Lynchburg, Virginia 24504  
Phone: (434)847-1447  
Fax: (434)847-1455  
[www.region2000.org](http://www.region2000.org)

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

DATE: May 13, 2009

TO: Amherst County Board of Supervisors

FROM: R. Bryan David  
Executive Director

**RE: Amherst County Broadband Authority**

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While I am unable to attend your May 19<sup>th</sup> meeting because of a previously scheduled commitment, I want to give you a status report on the Broadband Authority and to outline some immediate next steps. The following provides a brief summary of these points:

- The Resolution adopted by the Board of Supervisors on May 21<sup>st</sup> has been filed with the State Corporation Commission (SCC) by Mr. Gore. The SCC staff has the information under review and it is anticipated that the Broadband Authority's fifty (50) year charter will be issued within the next two (2) weeks.
- I have begun coordinating the project with the Action County Administrator and the County Attorney. This coordination includes finalizing the project staffing services with the Region 2000 Local Government Council, the engagement of the engineering services with Wireless Data Systems, Inc., preparation of a work program time-line for the Broadband Authority, and other related matters.
- With regard to the actual "stand-up" of the Broadband Authority, I recommend the Board of Supervisors consider convening itself as the Broadband Authority on Tuesday, June 2<sup>nd</sup>, prior to the start of the Amherst County Service Authority's regular meeting. This initial meeting would be short in duration as the Broadband Authority would call itself to order, adopt by-laws which are being prepared by Mr. Gore, and appoint the positions of Chair, Vice-Chair, Secretary, and Treasurer. In keeping with past practice, the Board of Supervisors' Chair and Vice-Chair can serve in these positions and the Acting County Administrator can serve as an ex-officio officer for the Secretary and Treasurer positions.
- It is anticipated at this time that one (1) regular meeting of the Broadband Authority a month is sufficient to reasonably accommodate its on-going business. This meeting could be held immediately prior to the Amherst County Services Authority's regular monthly meeting. However, there may be a need to convene the Broadband Authority for special meetings from time-to-time during the next several months to make decisions on certain matters. All these matters would relate to the procurement and contracting with a private-sector broadband provider(s) to implement the project, and for decisions related to emerging grant opportunities. These special meetings would typically coincide with regularly scheduled meetings of the Board of Supervisors.

I recommend that the Broadband Authority also at its first meeting appoint a Technical Advisory Committee (TAC) to assist with the development and implementation of the project. I further recommend that membership of the committee should include up to two (2) members of the Broadband Authority, key County staff members (administration, legal, emergency services, information technology, and schools), interested and knowledgeable citizens. I do not consider this list of potential TAC members exhaustive, but I wanted to give you a basis to start your deliberations.

- The Broadband Authority should appoint at its first meeting at least the Broadband Authority representatives, key County staff, and any citizen who may be ready for appointment. This will allow us to begin our work by convening a kick-off meeting of TAC sometime later in June. Should the Broadband Authority identify others who should be appointed to the TAC, then these individuals can be formally appointed at future meetings of the Broadband Authority.

I consider the TAC to be an *ad hoc* advisory committee of the Broadband Authority who will be charged with making recommendations on matters which require decisions ultimately by the Broadband Authority. I do not consider the TAC to be a final decision making body and it would

have no authority to obligate or commit the Broadband Authority, or for that matter, the Board of Supervisors, with any final decisions related to or arising from the project.

- Mr. Gore and I are closely monitoring the Federal Broadband Grant Programs funded under the American Recovery and Reinvestment Act, otherwise known as the Federal “stimulus” bill. Currently, the Broadband Technology Opportunities Program is still under development by the National Telecommunications and Information Administration. This agency is reviewing the numerous comments recently submitted on the structure of the grant program. We will continue to monitor this program and keep the Authority advised of its status.

The United States Department of Agriculture has initiated the Community Connect Grant Program which is making \$13.4MM available in competitive grants during the calendar year 2009. Based on our review of the grant criteria, this program is directed to “...bring state-of-the art broadband services to some of America’s most isolated and economically challenged communities...” Essentially, our understanding of the eligibility criteria is that if any part of a community has internet access with download speeds above 750kps, then the entire community is deemed ineligible. This eligibility criterion would exclude Amherst County because of the availability of Digital Subscriber Line (DSL) and cable modem internet service in the Madison Heights and the Town of Amherst areas. We will continue to monitor this program should there be any development that may favorably affect the Authority and its project.

For the initial Broadband Authority meeting on June 2<sup>nd</sup>, Mr. Gore will be in attendance. Unfortunately, I will not be able to attend as I will be out of town for most of that week. He will be prepared to assist members of the Broadband Authority with any questions or matters that may arise. From this point forward, my schedule will be aligned with the meeting schedule of the Broadband Authority and the TAC.

I along with Mr. Gore look forward to working closely with each of you to make this project successful and a model for other communities to emulate. If you should have any questions prior to the Board of Supervisors meeting, as always, just let me know. Thank you.

cc: David Proffitt, Acting County Administrator  
J. Vaden Hunt, County Attorney  
Jeffery S. Gore, Esq., Hefty & Wiley, P.C.

On motion of Mr. Wood and with the following vote, the Board of Supervisors authorizes a meeting of the Broadband Authority for June 2, 2009 at 10:30 a.m.

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

On motion of Mr. Wood and with the following vote, the Board of Supervisors authorized staff to advertise for members for the Technical Advisory Committee.

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

#### **IN RE: MATTERS FROM THE BOARD OF SUPERVISORS**

Mr. Wood – Nothing at this time.

Mr. Vandall – Nothing at this time.

Mr. Kidd – Up date of Activity Report – Certification of Board of Supervisors

Mr. Adams – stairwells both ends of Administration Bldg. badly deteriorating –

Train station repayment needs follow up

Mr. Parrish – Nothing at this time.

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

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	\$	235.96
(Drug Forfeiture funds)			

**Community**

81090 5804-100-100-125	Brockman Park	\$	21,546.00
(Agreement with the Town's IDA MOU – Out of General Fund)			

**REGISTRAR**

13020 3005	Maintenance SVC Contracts	\$	2,700.00
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**b. TRANSFERS**

**Public Safety**

Transfer from:

32070 3005	Contract Maintenance	\$	4,000.00
32070 5501	Travel		200.00

Transfer to:

32070 5410	Uniforms & Badges	\$	4,000.00
32070 5804	Misc.		200.00

**Maintenance**

Transfer from:

43020 5809	Landscaping & beautification	\$	1,000.00
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Transfer to:

43020 7010	Building Maintenance	\$	1,000.00
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**Tourism**

Transfer from:

81600 5504	Travel – Education	\$	750.00
81600 5201	Postage		600.00

Transfer to:

81600 5501	Travel	\$	750.00
81600 5203	Telecommunications		600.00

**Accounting**

Transfer from:

91040 3005	Maint SVC Contract	\$	7,200.00
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Transfer to:

91040 8001	Copy Machine/Fax/Lease Purchase	\$	7,200.00
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(Budgeted on Maint SVC Contract)

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

**IN RE: CLOSED SESSION**

Mr. Wood moved to go to closed session to discuss a (1) personnel matter and (7) consultation and briefings by legal counsel, consultants, or staff members pertaining to actual or probable litigation or other legal matters pursuant to § 2.2-3711.A.1, and 7 of the Virginia Code Section.

§2.2-3711.A.1 – Discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees, or employees of any public body.

Personnel (3 items)

§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.

Janetatos Litigation

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

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

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

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

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

Mr. L. Parrish	AYE
Mr. C. Adams	AYE
Mr. D. Kidd	AYE



Mr. R. Vandall            AYE  
Mr. V. Wood                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. Wood, seconded by Mr. Kidd and with the following vote, the Board of Supervisors moved to adjourn.

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

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Leon J. Parrish, Chairman  
Amherst County Board of Supervisors

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David R. Proffitt, Acting County Administrator