

BOOK 33**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 2nd day of March, 2010 at 1:00 pm at which the following members were present and absent:

BOARD OF SUPERVISORS:

PRESENT: Mr. C. Adams
Mr. D. Kidd
Mr. R. Vandall
Ms. C. Tucker
Mr. F. Campbell

ABSENT: None

Mr. C. Adams, Chairman, called the meeting to order.

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

IN RE: CITIZEN COMMENTS

None

IN RE: APPROVAL OF AGENDA

On motion of Mr. D. Kidd and with the following vote, the Board approved the agenda with additions:

Addition – Email – IT Department

Addition – Closed Meeting – 2.2-3711.A.1 Personnel

AGENDA

**TUESDAY, MARCH 2, 2010
ADMINISTRATION BUILDING – 153 WASHINGTON STREET
SCHOOL BOARD MEETING ROOM
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Citizen Comments**
- IV. Approval of Agenda**
- V. Special Appearance and Presentations**
 - a. Virginia Cooperative Extension – Amherst Unit –
Bill Seay, Extension Agent – Agriculture and Natural Resources
Kevin C. Irvin, Extension Agent – 4-H Youth Development
Kathy S. McMillan, 4-H Technician – 4-H Youth Development
Jan Baker, Extension Agent – Family and Consumer Sciences
Dottie Rucker, Adult Program – Supplemental Nutrition Assistance Program
- VI. Amherst County Public School – Dr. Brian Ratliff**
- VII. Consent Agenda**

- a. Approval of Minutes
 - (i) February 2, 2010
 - (ii) February 10, 2010
 - (iii) February 16, 2010

VIII. Correspondence

- a. Dept. of Transportation – Changes Pleasant Ridge Sec II and III
- b. Circuit Court Judges order of reappointment of Joyce M. Coleman to Zoning Appeals Board for a five year term to commence February 3, 2010 and expires at midnight on February 3, 2015.
- c. Letter of Feb 18, 2010 from Ms. Jean A. Higginbotham, President of the Amherst County Public Library Board of Trustees
- d. Amherst County Board of Supervisors' Letter in Opposition to Item #425 in HB 30/SB 30
 - (i) Delegate T. Scott Garrett
 - (ii) Delegate Benjamin L. Cline
 - (iii) Senator Frank M. Ruff, Jr.
- e. Public Safety Monthly Report – FY2009-2010
- f. Sheriff's Department Monthly Report – January 2010
- g. VDOT Traffic Alert – Feb. 15-19, Feb. 22-26, and March 1-5, 2010

IX. Department Reports

Accounting Department

- a. Revisit of Request for appropriation for County Attorney Department

Grounds Department

- a. Revisit of Update on equipment – Teresa Nuckols

Purchasing Department

- a. Architectural Proposals

X. County Administrator's Reports

- a. Draft Mission Goals and Organizational Chart

XI. County Attorney's Reports

- a. Draft revision to Amherst County Code Chapter 9, Division 3, "Keeping of Inoperable Motor Vehicles, Etc., On Residential Property,*" to make this division additionally apply to commercially used or zoned property.
- b. Draft of revised noise ordinance (first reading)

XII. Appropriation/Transfers/Disbursements

XIII. Matters from Members of the Board of Supervisors

- a. Mr. Vandall - Request from citizen to consider changing name of Coolwell Recreation Center to Jim Bibby Recreation Center
- b. Ms. Tucker – land use

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

- §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. Stumps Hill Property

§2.2-3711.A.7 Consultation with legal counsel and 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. For the purposes of this subdivision, "probable litigation" means litigation which has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commended by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

a. Janetatos Litigation

XV. Adjourn until 6:00 p.m. for citizen budget forum

AYE: Mr. C. Adams, Mr. D. Kidd, Ms. C. Tucker, Mr. R. Vandall and Mr. F. Campbell
NAY: None

IN RE: VIRGINIA COOPERATIVE EXTENSION AMHERST UNIT – ACTIVITIES REPORT JANUARY – DECEMBER 2009

Bill Seay, Extension Agent – Agriculture and Natural Resources
Kevin C. Irvin, Extension Agent – 4-H Youth Development
Kathy S. McMillan, 4-H Technician – 4-H Youth development
Jan Baker, Extension Agent – Family and Consumer Sciences
Dottie Rucker, Adult Program Assistant – Supplemental Nutrition Assistance Program

Bill Seay, Kevin Irvin and Jan Baker from the Virginia Cooperative Extension Amherst Unit, presented information of their activities for 2009 and were available for questions.

IN RE: CONSENT AGENDA

On motion of Mr. Vandal and with the following vote, the Supervisors approved the minutes for February 2, 2010 with the addition of the following on page 524, February 10, 2010 and February 16, 2010:

Letters of opposition to any change: C. N. Cassada, 115 Second Street, Pamela Cyrus, 127 Layne St., Roderick Beacan, 125 West Rucker St., Kermit Ogden, 117 Rucker St., Thelma Martin, Old Town, Shirley Anderson, Old Town, William Martin, Old Town, Roy Childery, 109 6th Street, Sadie Campbell, 124 Rucker St., June Johns, 103 East Rucker St., William Layne, 117 Layne St., June Connelly, 122 Stump Hill, Robert Woodroof, 135 Warwick St., Jantina Lilhey, 233 Rocky Hill Rd., Jacobkutty Lilhey, 233 Rocky Hill Rd., Connie Woodroof, 135 Warick St., Frank Hicks, Jr., 417 Main St., Judy Thomas, 236 Rocky Hill Rd, Carl B. Wilson, 236 Rocky Hill Rd.

AYE: Mr. D. Kidd, Ms. C. Tucker, Mr. R. Vandall and Mr. F. Campbell
NAY: None
ABSENT: Mr. C. Adams (Temporarily out of meeting)

IN RE: CORRESPONDENCE

The Board of Supervisors was presented the following for information purpose.

- a. Dept. of Transportation – Changes Pleasant Ridge Sec II and III
- b. Circuit Court Judges order of reappointment of Joyce M. Coleman to Zoning Appeals Board for a five year term to commence February 3, 2010 and expires at midnight on February 3, 2015.
- c. Letter of Feb 18, 2010 from Ms. Jean A. Higginbotham, President of the Amherst County Public Library Board of Trustees
- d. Amherst County Board of Supervisors' Letter in Opposition to Item #425 in HB 30/SB 30
 - (iv) Delegate T. Scott Garrett
 - (v) Delegate Benjamin L. Cline
 - (vi) Senator Frank M. Ruff, Jr.
- e. Public Safety Monthly Report – FY2009-2010
- f. Sheriff's Department Monthly Report – January 2010

g. VDOT Traffic Alert – Feb. 15-19, Feb. 22-26, and March 1-5, 2010

IN RE: APPROPRIATION REQUEST FOR BUDGET YEAR FY10

The Accounting Department requested an appropriation as follows for the County Attorney FY10 budget:

| | | | |
|-------|------|-------------------|-------------|
| 22020 | 1006 | Comp – Secretary | \$18,652.00 |
| 22020 | 2001 | FICA | 1,427.00 |
| 22020 | 2002 | Retirement | 2,451.00 |
| 22020 | 2005 | Hospitalization | 7,311.20 |
| 22020 | 2006 | Group Life | 166.00 |
| 22020 | 2017 | VRS Health Credit | 40.00 |

On motion of Mr. Vandall and with the following vote, the Supervisors approved the appropriation as requested.

AYE: Mr. C. Adams, Mr. D. Kidd, Ms. C. Tucker, Mr. R. Vandall and Mr. F. Campbell

NAY: None

By consensus the Board requested a monthly financial report from Ms. Campbell

IN RE: GROUNDS DEPARTMENT EQUIPMENT REQUEST – TERESA NUCKOLS

Ms. Nuckols presented a request to the Board for the following:

| Current equipment | Purchase Cost | Sell/Trade Value | Replacement | Cost | Difference |
|----------------------------------------------------------------------------------|--------------------------------------------------|---------------------------|---------------------------------------------------|----------------------------|------------------|
| 1 2009 Freightliner 2WD Dump Truck | \$59,022.00 | (w/o plow) \$33,000.00 | F550 4WD with 9' Contractor Dump Body | \$49,743.93 | -\$16,743.93 |
| 2 24' Pintle Hook Flatbed Trailer | \$ 9,362.00 | \$7,500.00 | Enclosed 20' Trailer w/Landscape Package | \$10,074.00 | -\$2,574.00 |
| 3 Tractor Bomax | Traded Ford Tractor with Forks Plus \$8,000 Cash | \$14,594.00 | John Deere 60" ZTrak Mower 5' John Deere Bush Hog | \$12,869.00 \$ 1,725.00 | \$0.00 \$0.00 |
| 4 Bush Hogs, etc. 7.5' Alamo Industrial Frail Mower 7' New Idea Sickle Bar Mower | | \$1,700.00 (credit) | 2 weed eaters With attachments 1 chainsaw | \$1,700.00 | \$0.00 |

On motion of Mr. Adams and with the following vote, the Board approved the request for items 3 and 4 and would revisit the other at a later time.

AYE: Mr. C. Adams, Mr. D. Kidd, Ms. C. Tucker, Mr. R. Vandall and Mr. F. Campbell

NAY: None

IN RE: ARCHITECTURAL PROPOSALS

Mr. Proffitt presented information to the Board of the architectural proposals received and of the proposal evaluation committee work in interviewing the five candidates and the decision to recommend Dewberry for contract negotiations.

On motion of Mr. Vandall and with the following vote, the Board directed staff to negotiate with Dewberry.

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. F. Campbell and Mr. R. Vandall

NAY: Ms. C. Tucker

IN RE: MISSION GOALS

Mr. Lintecum presented the draft goals for the Board's review and consideration. He suggested that the Board provide a prioritization of these goals so that time lines can be established for completion and progress can be monitored as we implement a plan to meet the Goals. Mr. Gary Christie was present for any questions.

By consensus the Board directed that a copy of the goals be sent to the EDA, Planning Commission and the Town of Amherst as a working copy.

The Board directed that they would get back to this at a later date.

IN RE: ORGANIZATIONAL CHART

Mr. Lintecum presented an organizational chart to the Board for review.

IN RE: INDIVIDUAL EMAIL ACCOUNTS

Mr. Lintecum presented information to the Board regarding the request to giving all county employees their individual email accounts through the County's Lotus server.

Mr. Lintecum reported that he and Jackie Viar, IT Director, were working on more detail information for the Board.

IN RE: BUDGET

Mr. Lintecum reported to the Board that he and Brenda Campbell had selected using the House version with amendments for budget figures and would get this to the Board as soon as possible.

IN RE: REVISION OF KEEPING OF INOPERABLE MOTOR VEHICLES ETC., ON RESIDENTIAL PROPERTY TO APPLY TO COMMERCIALLY USED OR ZONING PROPERTY ALSO

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved sending the following ordinance to public hearing:

DIVISION 3. KEEPING OF INOPERABLE MOTOR VEHICLES, ETC., ON RESIDENTIAL OR COMMERCIAL PROPERTY*

*State law references: Authority to restrict keeping of inoperable motor vehicles, etc., on residential or commercial property; removal of such vehicles; penalty, Code of Virginia, § 15.2-904.

Subdivision I. General Provisions

Sec. 9-132.1. Declarations of findings and policy.

It is hereby declared that the existence of inoperable motor vehicles, trailers and semi-trailers on residential or commercial property in the county is a fire hazard and a hindrance in fighting fires, creates an unsanitary harborage for rodents and insects, constitutes an attractive nuisance to children, and poses other substantial health and safety hazards to the citizens of this county; that such conditions are detrimental to the welfare of the citizens of this county, as the existence of such vehicles on property in the county reduces the market value of such properties and surrounding properties, dissuades the relocation of families and businesses to the area, and discourages tourism; and that such conditions are aesthetically unappealing to the citizens of this county.

(Ord. of 12-20-05, § I (A); Ord. of 6-17-08)

Sec. 9-132.2. Severability.

If any portion of this division shall be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity of the ordinance in its entirety, or any of the remaining portions thereof.
(Ord. of 12-20-05, § I (B); Ord. of 6-17-08)

Sec. 9-132.3. Administration and enforcement.

The zoning administrator or his/her designee shall be responsible for the administration and enforcement of this division.
(Ord. of 12-20-05, § I(C); Ord. of 6-17-08)

Sec. 9-132.4. Definitions.

The following terms shall, for the purposes of this division, have the meanings set forth below:

Inoperable motor vehicle means any motor vehicle, trailer or semi-trailer which is not in operating condition; or does not display valid license plates; or does not display an inspection decal that is valid; or displays an inspection decal that has been expired for more than sixty (60) days.

Motor vehicle, as defined in Code of Virginia, § 46.2-100, means every vehicle which is self-propelled or designed for self-propulsion, unless otherwise provided in Code of Virginia, tit. 46.2. Any structure designed, used or maintained primarily to be loaded or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Bicycles and mopeds shall not be deemed to be a motor vehicle.

Semi-trailer, as defined in Code of Virginia, § 46.2-100, means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some of its own weight and that of its own load rests or is carried by another vehicle.

Shielded or screened from view means completely precluding visibility of the subject vehicles from all adjacent streets, alleys and properties, by placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject vehicle from all adjacent streets, alleys and properties. The placing, draping or securing of a tarpaulin or other nonrigid cover over or around an inoperable motor vehicle shall not be sufficient to comply with the requirements of this division.

Trailer, as defined in Code of Virginia, § 46.2-100, means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

Truck business means an operation where large trucks, such as tractor trailers, are used to haul and store goods, this includes maintenance and parking for the trucks.

Vehicle, as defined in Code of Virginia, § 46.2-100, means every device, in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

(Ord. of 12-20-05, § II; Ord. of 6-17-08)

Subdivision II. Inoperable Motor Vehicles, Trailers and Semi-Trailers**Sec. 9-132.5. Restriction on keeping of inoperable motor vehicles.**

(a) No person shall keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned or used for residential **or commercial** purposes, any motor vehicle, trailer or semi-trailer, which is inoperable; however, not more than one (1) such vehicle may be kept outside a fully enclosed building or structure, provided that it is shielded or screened from view.

(b) The provisions of this division shall not apply to land that is agriculturally zoned or a licensed business which is regularly engaged in business as an automobile dealer, **truck business**, salvage dealer or scrap processor.

(Ord. of 12-20-05, § III (A); Ord. of 6-17-08)

Sec. 9-132.6. Notice of violation.

(a) The owner of any property zoned or used for residential or commercial purposes shall remove therefrom, or otherwise bring such vehicle into compliance with the provisions of this division, any inoperable motor vehicle on such property in violation of this division within seven (7) calendar days after receiving written notice of such violation.

(b) Notice given pursuant to this section shall:

(1) Reasonably describe the inoperable motor vehicle, and reference this division;

(2) State that failure to comply with the requirements of this division may result in the removal and disposal of the vehicle;

(3) State that such removal and disposal may be at the expense of the owner of such inoperable motor vehicle or the owner of the property upon which such vehicle is located; and

(4) State that any owner of such inoperable motor vehicle or property upon which such inoperable motor vehicle is located may informally appeal the zoning administrator's or his/her designee's decision that the vehicle is in violation of this division by filing a notice of appeal with the county administrator.

(c) Notice given pursuant to this section shall be given in the following manner:

(1) Notice shall be posted in a conspicuous place on the property upon which the inoperable motor vehicle is located; and

(2) Notice shall:

a. Be given the property owner in person, in which case an affidavit shall be completed by the person who delivers such notice attesting to the time and place of the giving of such notice and to whom it was given, or

b. Such notice may be mailed by United States

he owner as set forth in the records of the treasurer for the county. Notice shall be deemed to have been received when received in person or upon receipt of a certified letter.

(3) In the event that a notice cannot be delivered for any reason to the property owner in the manner set forth above, the zoning administrator or his/her designee shall cause the notice to be published once in a newspaper of general circulation in the county. Notice shall be deemed to have been received the day of such publication.

(Ord. of 12-20-05, § III (B); Ord. of 6-17-08)

Sec. 9-132.7. Removal of inoperable motor vehicles.

Whenever an owner of property who has received a notice pursuant to this division of an inoperable motor vehicle fails to either remove such vehicle from the property or otherwise to bring such vehicle into compliance with the provisions of this division within the time specified in the notice, the zoning administrator or his/her designee may cause, by the county or by an independent contractor, such vehicle to be removed from the property and taken to an impound lot for storage, and disposal if applicable.

(Ord. of 12-20-05, § III(C); Ord. of 6-17-08)

Sec. 9-132.8. Disposal of unclaimed inoperable motor vehicles.

(a) Whenever the zoning administrator or his/her designee causes the removal of any inoperable motor vehicle to an impound lot, additional notice of such action shall be given in accordance with this division, except that no notice need be posted on the subject property, in writing as soon as possible, but in no event more than five (5) business days after the removal of the inoperable motor vehicle, to the owner of the subject property and, if different, the owner of record of the inoperable motor vehicle that has been taken into custody. The notice shall:

(1) Describe the year, make, model and serial number of the inoperable motor vehicle;

(2) Set forth the location of the facility where the inoperable motor vehicle is being held;

(3) Inform the owner of the owner's right to reclaim the inoperable motor vehicle within fourteen (14) days after the date of such notice upon payment of the cost of removal;

(4) State that the failure of the owner to exercise the owner's right to reclaim the inoperable motor vehicle within the time provided may result in the inoperable motor vehicle being disposed of; and

(5) State that the owner of the inoperable motor vehicle, or the owner of the premises on which the inoperable motor vehicle was located at the time it was removed, may be liable for the costs of removal and disposal of the inoperable motor vehicle.

(b) Whenever any inoperable motor vehicle is not reclaimed by the owner of such inoperable motor vehicle by payment of the cost of removal of the inoperable motor vehicle within the time specified in such notice, the inoperable motor vehicle may be disposed of.

(c) If the value of any inoperable motor vehicle removed under the provisions of this division be determined by three (3) disinterested dealers or garagemen to be less than three hundred dollars (\$300.00) which would be incurred by such advertising and public sale, it may be disposed of by private sale or junked. In the event of the inoperable motor vehicle being valued at greater than three hundred dollars (\$300.00) the zoning administrator or the zoning administrator's authorized agent shall sell it or cause it to be sold at public auction.

(d) If an inoperable motor vehicle is not reclaimed as provided above, the zoning administrator or zoning administrator's authorized agent, shall sell it or cause it to be sold at public auction. From the proceeds of the sale of an inoperable motor vehicle, the county or its authorized agent shall reimburse itself for the expenses of any auction, the cost of towing, preserving and storing the vehicle which resulted from placing the inoperable motor vehicle in custody. Any remainder from the proceeds of sale shall be held for the owner of the inoperable motor vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then be deposited with the treasurer of the county.

(e) The cost of the removal and disposal of an inoperable motor vehicle may be charged to the owner of such vehicle, or the owner of the property from which such vehicle was removed. Such costs may be collected by the county as taxes and levies are collected.

(f) Any such costs assessed against the property from which the vehicle was removed shall constitute a lien against the property and shall continue until actual payment of such costs has been made to the county.

(Ord. of 12-20-05, § III (D); Ord. of 6-17-08)

Sec. 9-132.9. Appeals.

Any person aggrieved by a decision of the zoning administrator or his/her designee that a motor vehicle, trailer, or semi-trailer is inoperable or is otherwise being kept in violation of this division may appeal such decision to the county administrator or his/her designee by filing a notice of appeal with the office of the county administrator within seven (7) days of receipt of the decision. Such notice of appeal shall state in writing:

- (1) The order, requirement, decision or determination which is the subject of the appeal;
- (2) The date upon which the decision was made; and
- (3) The reason(s) for the appeal.

An appeal under this section shall stay enforcement until after the appeal has been heard by the county administrator or his/her designee.

At a hearing under this section, the aggrieved person and zoning administrator or his/her designee shall have the right to appear and present written statements, documents, photographs, oral testimony and other evidence, but there shall be no formal rules of evidence or procedure required for the conduct of the hearing.

Hearings shall be conducted by the county administrator or his/her designee, who shall determine by a preponderance of the evidence whether there is probable cause to believe that the subject vehicle is inoperable or is otherwise being kept in violation of this division. The county administrator or his/her designee shall state his findings in writing and shall order the case dismissed, or order the immediate removal of the subject vehicle, or grant a reasonable time for compliance with this division, as in his discretion the case may require.

(Ord. of 12-20-05, § III (E); Ord. of 6-17-08)

Sec. 9-132.10. Other penalties and remedies.

In addition to the remedies provided for in this division, any person, firm or corporation violating this division shall be deemed guilty of a misdemeanor and shall be subject to the penalties provided in Code subsection 1-4(a)(1). The remedies provided in this division are cumulative and not exclusive and shall not be deemed to preclude the remedies available in Code subsection 1-4(a)(1) or otherwise available under the law.

(Ord. of 12-20-05, § III (F); Ord. of 6-17-08)

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall, Ms. C. Tucker and Mr. F. Campbell

NAY: None

IN RE: REVISED NOISE ORDINANCE (FIRST READING)

The Board of Supervisors directed staff to revise the draft ordinance with corrections before sending to public hearing.

IN RE: APPROPRIATIONS/TRANSFERS

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

a. APPROPRIATIONSBoard of Supervisors

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----|--------|
| 53110-5611 | Amherst County Contribution – Humane Society | \$ | 607.88 |
| (Revenue received from Dept. of Motor Vehicles as share of Animal Friendly License Plate sales and can only be used in supporting sterilization programs for dogs & cats in county – received and deposited with the Treasurer's Office 02/18/10) | | | |

Sheriff's Department

| | | | |
|----------------------------------------------------------|------------------|----|-----------|
| 31020-5410 | Uniforms | \$ | 40.00 |
| (Pass through revenue deposited with Treasurer's Office) | | | |
| 31020-3004 | Vehicle Repair | | 180.00 |
| 8-3125-1008 | DMV Compensation | \$ | 2,677.40 |
| (Pass through Revenue deposited with Treasurer's Office) | | | |
| 8-3130-7001 | Grant | \$ | 32,216.00 |
| 8-3130-7001 | Grant | \$ | 1,057.00 |
| (Grant money) | | | |

Public Safety

| | | | |
|---------------------------------------------------------------------|-------------------------------|----|-----------|
| 35060-7002 | Office & Computer Equipment | \$ | 26,400.00 |
| 35060-3005 | Maintenance Service Contracts | | 9,100.00 |
| (Revenue in the Wireless 911 account that is funded by the 911 tax) | | | |

b. TRANSFERSSheriff's Department

Transfer from:

| | | | |
|------------|--------------|----|----------|
| 31020-5805 | EMS Training | \$ | 1,400.00 |
| 31020-7003 | Comm. Equip | | 1,150.00 |
| 31020-7001 | Equip | \$ | 117.00 |

Transfer to:

| | | | |
|------------------|---------------------|----|----------|
| 31020-3010 | Repair & Maint | \$ | 550.00 |
| 31020-3016 | Repair – Radio | | 1,000.00 |
| 31020-5449 | Tires | | 1,000.00 |
| (Cover expenses) | | | |
| 8-3130-7001 | Grant – local match | \$ | 117.00 |

Animal Control

Transfer from:

| | | |
|---------------------|-----------|-------------|
| 35010-5408 | Gas | \$ 1,700.00 |
| Transfer to: | | |
| 35010-7001 | Equipment | 1,700.00 |
| (To cover expenses) | | |

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall, Ms. C. Tucker and Mr. F. Campbell
 NAY: None

IN RE: MATTERS FROM MEMBERS OF THE BOARD OF SUPERVISORS

Mr. R. Vandall – citizen request to change name of Coolwell Recreation Center to Jim Bidy Recreation Center – Tabled until sometime in the future.

Ms. C. Tucker – land use – She had found an answer to her question so she dropped the question.

Ms. F. Campbell – None

Mr. D. Kidd – None

Mr. C. Adams – Emergency Service Council meeting of March 1 – Just wanted the Board to know that they were working on ways to lower spending. Gary would be meeting with the captains and chiefs of all the departments. They still have a spirit of cooperation.

IN RE: CLOSED MEETING

On motion of Mr. Vandall, seconded by Mr. Campbell, the Board went to closed session but before this could happen something came up and they did not go to closed session but on motion of Mr. C. Adams, seconded by Mr. D. Kidd and with the following vote, the Board returned to regular meeting.

First Motion:

AYE: Mr. C. Adams, Mr. D. Kidd, Ms. C. Tucker, Mr. F. Campbell and Mr. R. Vandall
 NAY: None

Second Motion:

AYE: Mr. C. Adams, Mr. D. Kidd, Ms. C. Tucker, Mr. F. Campbell and Mr. R. Vandall
 NAY: None

There was a consensus of the Board to cancel the March 2, 2010 6:00 p.m. citizen forum meeting due to the weather.

IN RE: CLOSED SESSION

Mr. C. Adams moved to go to closed session to discuss (1) personnel matter (3) discussion relating to the acquisition or disposition of real property 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, 2, 3, 4, 5, 6 or 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.

§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.

§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. Campbell and approved with the following vote:

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams
 NAY: None

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

AYE: Ms. C. Tucker, Mr. R. Vandall, Mr. D. Kidd, Mr. F. Campbell and Mr. C. Adams
 NAY: None

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

| | |
|-----------------|-----|
| Ms. C. Tucker | AYE |
| Mr. R. Vandall | AYE |
| Mr. D. Kidd | AYE |
| Mr. F. Campbell | AYE |
| Mr. C. Adams | 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: PERSONNEL

On motion of Mr. C. Adams and with the following vote, the Board of Supervisors approved the ceasing of employment of J. Vaden Hunt, County Attorney.

AYE: Mr. C. Adams, Mr. R. Vandall and Mr. D. Kidd
 NAY: Ms. C. Tucker and Mr. F. Campbell

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the payment of two (2) months of salary and all accrued vacation for 2010.

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall, Ms. C. Tucker and Mr. F. Campbell
 NAY: None

Mr. Hunt proceeded to question the Board as he did not think he deserved this action. He asked the Board what was to happen to the work he was in the process of doing.

On motion of Mr. Vandall, and with the following vote, the Board directed the chairman to negotiate a transition period.

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall, Ms. C. Tucker and Mr. F. Campbell

NAY: None

IN RE: ADJOURN

On motion of Mr. Kidd, seconded by Mr. Vandall and with the following vote, the Board moved to adjourn to 8:00 a.m., Thursday, March 4, 2010.

AYE: Mr. C. Adams, Mr. D. Kidd, Mr. R. Vandall, Ms. C. Tucker and Mr. F. Campbell

NAY: None

Christopher R. Adams, Chairman
Amherst County Board of Supervisors

C. Lee Lintecum, County Administrator