

**BOOK 33**

**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 6th day of July, 2010 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

<p><b>PRESENT:</b>    Mr. D. Kidd                    Ms. C. Tucker                    Mr. R. Vandall                    Mr. R. Curd                    Mr. F. Campbell</p>	<p><b>ABSENT:</b> None</p>
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Mr. D. Kidd, Chairman, called the meeting to order.

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

**IN RE: CITIZEN COMMENTS**

Calvin Carlson – 330 Main Street, Madison Heights, VA 24572 – support of the rental inspection ordinance

Ann Carlson – 330 Main Street, Madison Heights, VA 24572 – support of the rental inspection ordinance

**IN RE: APPROVAL OF AGENDA**

Chairman asked for amendments to the agenda.

Mr. Lintecum, County Administrator – add presentation on radio needs form Gary Roakes  
Remove the AEP items (a & b)

On motion of Ms. Tucker, seconded by Mr. Vandall and with the following vote, the Board approved the agenda with amendments as follows:

**AGENDA**

**TUESDAY, JULY 6, 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.** Resolution of Recognition and Commending Carol J. Charles for service on the Amherst County Social Services Board
  - b.** 2011 Dixie Baseball World Series – Ronnie Adams
  - c. Presentation Radio Needs – Gary Roakes**

**VI. Amherst County Public School – Dr. Brian Ratliff****VII. Consent Agenda**

- a. Refund on 2009 Business Personal Property – Rehab Associates of Central Virginia
- b. Amherst County Board of Supervisors Minutes -
  - (i) June 1, 2010 1:00 p.m.
  - (ii) June 3, 2010 4:00 p.m.
  - (iii) June 15, 2010 7:00 p.m.
  - (iv) June 17, 2010 10:30 p.m.
  - (v) June 25, 2010 1:00 p.m.
- c. Central Virginia Community Service Performance Contract

**VIII. Correspondence**

- a. Virginia Blue Ridge Railway Trail Foundation – June 24, 2010
- b. Ben Cline, House of Delegates, Letter of June 14, 2010, Support of SB538
- c. Columbia Gas of Virginia, Inc.
- d. Virginia Electric and Power Company – June 25, 2010
- e. Onsite sewage and well applications – Gary Gilliam, Health Department
- f. VDOT – Traffic Alert June 28 – July 2, 2010, July 5-9, 2010

**IX. Department Reports****Planning and Zoning**

- a. Biosolids

**Assistant Administrator/Purchasing Agent**

- a. Animal Shelter Operational Agreement
- b. Courthouse Environmental Assessment

**X. County Administrator's Reports**

- ~~a. Agreement for the Purchase of Electricity from Appalachian Power Company – Delete~~
- ~~b. Street Lighting Agreement – Delete~~
- c. VML/VACo/APCo Steering Committee

**XI. Appropriation/Transfers/Disbursements****XII. Matters from Members of the Board of Supervisors**

- a. Review of renal inspection ordinance for District V

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

- a. **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 commenced 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.

- (i) Phelps Road School

**XIV. Adjourn**

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

NAY: None

**IN RE: RESOLUTION OF RECOGNITION AND COMMENDING CAROL J. CHARLES**

On motion of Mr. Vandall and with the following vote, the Board approved the following resolution for Carol J. Charles for her time on the Social Services Board:

**Amherst County Board of Supervisors**

**Resolution of Recognition and Commending**

**Carol J. Charles**

**WHEREAS**, Carol Charles has faithfully and impartially represented the individuals and families of Amherst County as an appointee to the Amherst County Social Services Board from October 1, 2002 through June 30, 2010; and

**WHEREAS**, Carol Charles has actively contributed her leadership and experience to enhance services for individuals and families in Amherst County; and

**WHEREAS**, Carol Charles served as chairman of the Amherst County Social Services Board from July 1, 2008 through June 30, 2009 and as Vice-Chairman from July 1, 2006 through June 30, 2008 and from June 30, 2009 until July 1, 2010; and

**WHEREAS**, Carol Charles has demonstrated a sincere desire and an unfailing commitment to advocate on behalf of and to improve the quality of life for the citizens of Amherst County.

**NOW AND THEREFORE BE IT RESOLVED** by the Amherst County Board of Supervisors that it would like to recognize and commend Carol Charles with heartfelt gratitude for all her efforts and bids her well in all her future endeavors.

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

NAY: None

**IN RE: 2011 DIXIE BASEBALL WORLD SERIES – RONNIE ADAMS**

Mr. Adams was here to make sure the Board of Supervisors had approved the \$8,000 as the County's share of the \$20,000 needed to help with the 2011 Dixie Baseball World Series. Mr. Lintecum reported to the Board that the \$8,000 had been approved and he would take care of the problem.

**IN RE: PRESENTATION ON RADIO SYSTEM**

Mr. Roakes presented a power point presentation regarding the regional radio system and the radio system life with the time table that an update will have to be done.

Mr. Vandall moved to have Mr. Roakes provide the Board with an active roster as soon as possible for the radios and workman's comp insurance and have him back at the October agenda.

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

NAY: None

**IN RE: SCHOOL BOARD – DR. BRIAN RATLIFF**

Dr. Ratliff appeared before the board and gave his appreciation for the support for his family in the death of his father.

He also informed the board that Kelly Homes, principal for Temperance and Pleasant View Elementary Schools, will be the new Transportation Supervisor.

The principal at the High School will be Haywood Hand.

Ms. Tucker asked what were the plans for Temperance – she was informed that the interviews will be started by end of week.

**IN RE: REFUND ON 2009 BUSINESS PERSONAL PROPERTY**

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the refund in the amount of \$8,417.50 plus interest.

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

**IN RE: APPROVAL OF MINUTES FOR JUNE 2010**

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

June 1, 2010 1:00 p.m.  
June 3, 2010 4:00 p.m.  
June 15, 2010 7:00 p.m.  
June 16, 2010 10:30 p.m.  
June 25, 2010 1:00 p.m.

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

**IN RE: CENTRAL VIRGINIA COMMUNITY SERVICE PERFORMANCE CONTRACT**

The County Administrator presented information by letter of June 18, 2010 from Kelly Baldwin, quality Development Coordinator, Central Virginia Community Services Compliance Department, regarding the Performance Contract with the Department of Behavioral Health and Developmental Services, formerly called the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Formal approval of this document from the participation local governments that they service.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approves the FY2011 Central Virginia Community Services Performance Contract. **(ATTACHMENT A)**

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

**IN RE: CORRESPONDENCE**

- a. Virginia Blue Ridge Railway Trail Foundation – June 24, 2010
- b. Ben Cline, House of Delegates, Letter of June 14, 2010, Support of SB538
- c. Columbia Gas of Virginia, Inc.
- d. Virginia Electric and Power Company – June 25, 2010
- e. Onsite sewage and well applications – Gary Gilliam, Health Department
- f. VDOT – Traffic Alert June 28 – July 2, 2010, July 5-9, 2010

Information only

**IN RE: BIOSOLIDS**

Teresa Nuckols filled in for Jeremy Bryant in discussion of the biosolids. She was not aware of any locality that does their own testing. You can get report from DEQ.

She informed the Board that she and Jeremy were planning on attending the training on inspecting biosolids provided by DEQ.

The permit is supposed to be signed on June 21, 2010 and after signing they will provide a copy of the permit.

On motion of Mr. Vandall and with the following vote, the board directed the Planning Commission to look at wording of the biosolids ordinance and return to the Board of Supervisors.

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

**IN RE: ANIMAL SHELTER OPERATIONAL AGREEMENT**

The Board was provided with a new agreement between the County and the Humane Society for their consideration and review.

On motion of Mr. Vandall and with the following vote, the Board moved to table action until the new County Attorney has looked at the agreement and then brings it to the Board of approval.

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

**IN RE: COURTHOUSE ENVIRONMENTAL ASSESSMENT**

The Board had directed staff to inform the Board of a solution to the apparent mold and humidity problem in the Courthouse.

On motion of Mr. Vandall and with the following vote, the Board authorized staff to contract with Engineered Systems, LLC as proposed and appropriate necessary funding from the County CIP Fund (094) per the attached description prepared by Central Accounting:

DATE: May 26, 2010

FROM: Community & County Projects

APPROPRIATION                      BUDGET YEAR: FY11

FUND #001

DEPT NUMBER	LINE NUMBER	DESCRIPTION	AMOUNT
81090 3002 100 100		County Space & Other Studies	\$2,800.00

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

**IN RE: SURCREDIT PURSUANT TO PUBLIC AUTHORITY CONTRACTS**

On motion of Mr. Vandall and with the following vote, the Board endorses the action taken by the VML/VACo/APCo Steering Committee.

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

NAY: None

**IN RE: APPROPRIATIONS/TRANSFERS**

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

**APPROPRIATIONS****SHERIFF - JAIL (FY10)**

31020	1010	Narcotics	\$959.42
31020	3004	Vehicle Repair	\$125.00
31020	5410	Uniform	\$10.00
33010	5410	Uniform	\$52.04
(Pass through revenue deposited with Treasurer's Office)			
31020	3004	100 Auto Repairs - Ins.	\$3,318.91
31020	5804	Misc	\$5,000.00
(Drug Asset Forfeiture)			
31020	1010	Narcotics Comp	\$274.12
31020	1013	ACHS Comp	\$1,453.28
31020	3004	Vehicle Repair	\$400.00
33010	5410	Uniforms	\$53.00
(Pass through revenue)			
<b>TOTAL</b>			<b>\$11,645.77</b>

**Circuit Court Clerk (FY10)**

21060	7008	Lease Purchase - Copy Machine	\$1,600.00
(Reimbursed from copy fees)			
<b>TOTAL</b>			<b>\$1,600.00</b>

**Treasurer (FY10)**

12130	5810	Levy on Projected PP Rev	\$16,000.00
<b>TOTAL</b>			<b>\$16,000.00</b>

**TRANSFERS****Purchasing (FY10)**

Transfer from:

12170	5201	Postal services	\$40.00
<b>TOTAL</b>			<b>\$40.00</b>

Transfer to:

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12170	5408	Gas, Oil, Grease	\$40.00
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<b>TOTAL</b>			<b>\$40.00</b>
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**Animal Shelter (FY10)**

Transfer from:

35980	5404	Medical Supplies	\$1,377.11
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<b>TOTAL</b>			<b>\$1,377.11</b>
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Transfer to:

	5403	Food and Supplies for shelter	\$793.26
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35980	5203	Telecommunications	\$360.02
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35980	5201	Postage	\$55.42
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35980	5806	Trapping Equipment	\$168.41
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35980			
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<b>TOTAL</b>			<b>\$1,377.11</b>
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**Circuit Court Clerk (FY10)**

Transfer from:

	5201	Postal Services	\$490.00
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21060	3006	Printing	\$457.00
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21060	5494	Copy Machine	\$612.00
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21060	7001	Equipment	\$902.00
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21060			
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<b>TOTAL</b>			<b>\$2,461.00</b>
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Transfer to:

21060	3002	Audit	\$15.00
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21060	3010	Contract recording	\$1,500.00
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21060	5203	Telecommunications	\$424.00
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21060	5401	Office Supplies	\$193.00
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21060	5415	Record Books	\$329.00
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<b>TOTAL</b>			<b>\$2,461.00</b>
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**Jail**

Transfer from:

33010	5402	Food	\$6,550.00
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<b>TOTAL</b>			<b>\$6,550.00</b>
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## Transfer to:

33010	3001	Doctor	\$4,900.00
33010	5101	Electric	\$1,235.00
33010	5203	Telephone	\$315.00
33010	5404	Med Supply	\$210.00

<b>TOTAL</b>			<b>\$6,550.00</b>
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**Sheriff's Office**

## Transfer from:

31020	5408	Gas	\$2,722.00
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<b>TOTAL</b>			<b>\$2,722.00</b>
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## Transfer to:

31020	3016	Radio Repair	\$1,248.00
31020	5203	Telephone	\$864.00
31020	5449	Tires	\$610.00

<b>TOTAL</b>			<b>\$2,722.00</b>
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**Public Library**

## Transfer from:

73010	3004	Repairs & Maintenance	\$31.41
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<b>TOTAL</b>			<b>\$31.41</b>
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## Transfer to:

73010	3002	Professional Service	\$6.54
73010	5102	Water & Sewer	\$6.35
73010	5806	Special Programming Supplies	\$18.52

<b>TOTAL</b>			<b>\$31.41</b>
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AYE: Mr. D. Kidd, Ms. C. Tucker, Mr. R. Curd, Mr. R. Vandall, and Mr. F. Campbell

NAY: None

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

Frank Campbell – Rental Inspection Ordinance – questioning the qualifications for inspector Kenneth Campbell and Sheriff Ayers were available for questions.

The Sheriff would like the ordinance to be county wide not just District 5



Mr. Vandall made a motion under Section 3 of the ordinance for the building inspector to inspect the property that the Sheriff's Dept. had worked.

The suggested that rental property owners have to get a business license that required inspection of their rental property.

They determined that this was another item for the County Attorney.

Ray Vandall – none

Robert Curd – none

Donald Kidd – direct that VDOT let the people on Bandon Lane that it is no longer on the 6 yr plan.

Claudia Tucker – Regional Tourism Plan

Board meeting to be held at Temperance – She was informed that the 2<sup>nd</sup> meeting in September was being worked on

County Attorney – suggested that the Board members make a list of items that they would like the County Attorney to look at and have for the next agenda

### **IN RE: CLOSED SESSION**

§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 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.

(i) Phelps Road School

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

This was seconded by Ms. Tucker and approved with the following vote:

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

NAY: None

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

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

NAY: None

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

Mr. D. Kidd	AYE
Ms. C. Tucker	AYE
Mr. R. Curd	AYE
Mr. R. Vandall	AYE
Mr. F. Campbell	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. Campbell, seconded by Ms. Tucker and with the following vote, the Board adjourned to July 20, 2010 at 7:00 p.m. at the Amherst Education Center, Madison Heights, VA.

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

NAY: None

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Donald W. Kidd, Chairman  
Amherst County Board of Supervisors

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C. Lee Lintecum, County Administrator