

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

At a regular meeting of the Board of Supervisors of Amherst County held at the Amherst Education Center, Trojan Lane, Madison Heights, VA thereof on Tuesday, the 20th day of July, 2010 at 7:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

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

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

**IN RE: CITIZEN COMMENTS**

Janice Camden – Chairperson Old Town Community Action Group but she was speaking for herself – complaining against Frank Campbell

Mary Coates – American Cancer Society – Special Events/Public Entertainment Application

Joan Almond – 1935 S. Coolwell property – wants inspection done on run down property

Steve Stinson – Old Town Madison Heights – standing up for Frank Campbell

Hazel Childrey – 109 6<sup>th</sup> Street – Old Town Community Action Group against Frank Campbell

**IN RE: APPROVAL OF AGENDA**

On motion of Mr. Campbell, seconded by Ms. Tucker and with the following vote, the Board approved the agenda for July 20, 2010 as presented:

**AGENDA**

**TUESDAY, JULY 20, 2010  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
AMHERST EDUCATION CENTER  
219 TROJAN LANE, MADISON HEIGHTS, VA  
7:00 P.M.**

- I. Call to Order
- II. Invocation and Pledge of Allegiance
- III. Citizen Comments
- IV. Approval of Agenda
- V. Zoning Public Hearings

- a. **2010-15** Request by Michael D. & Nancy W. Brockman for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot. The parcel is located at 1348 North Amherst Highway and further identified as tax map 83-A-16.
- b. **2010-16** Request by Philip H. DeVos for a special exception in the Route 130 overlay zone. The purpose of the special exception is to allow a manufactured home that is less than twenty (20) feet in width to be permitted on the property. The parcel is located at 5224 Elon Road and is further identified as tax map number 103-A-52A.

**VI. Virginia Department of Transportation – Sharon White**

- a. Request to abandon a section of Old Route 151

**VII. Consent Agenda**

- a. Special Events/Public Entertainment Application – Summer Cooler

**VIII. Correspondence**

- a. Building Safety & Inspections Monthly Report June 2010
- b. Office of the Sheriff Monthly report June 2010
- c. Appalachian Power Company application to revise its fuel factor pursuant to VA. Code § 56-249.6 VA.S.C.C. Case No. PUE-2010-00058
- d. VDOT Traffic Alert – July 12-16, 2010

**IX. Department Reports**

**Accounting Department**

- a. Financial Report – June 2010

**X. County Administrator’s Reports**

- a. Agreement between the County of Amherst, Virginia and Sands Anderson setting forth the scope and terms of their continued representation of Amherst County in the SCC Proceedings following the filing of the Notice of Participation as of May 15, 2010.

**XI. Appropriation/Transfers/Disbursements**

**XII. Matters from Members of the Board of Supervisors**

- a. Prioritize Legal Matters

**XIII. Adjourn**

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

NAY: None

**IN RE: ZONING PUBLIC HEARING**

**2010-15** Request by Michael D. & Nancy W. Brockman for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow a used automobile sales lot. The parcel is located at 1348 North Amherst Highway and further identified as tax map 83-A-16.

Mr. J. Bryant presented case with the following conditions recommended:

- Maximum of thirty-five (35) vehicles for sale at any one time (applicant’s request).
- Display area for automobiles may be graveled to begin the business and may be surface treated within eighteen (18) to twenty-four (24) months.

- Landscaping shall be planted along the front of the existing building and around the proposed sign.
- Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets

Ms. Tucker suggested changing the landscaping condition to be within a year.

Mr. Vandall questioned the drawing of shop area – thought it should be 3000 sq. ft. and to change “within eighteen (18) to twenty-four (24 months” to - twenty-four (24) months.

#### Public Hearing

Proponents: Mike Brockman

Opponents: None

Board of Supervisors –

On motion of Ms. C. Tucker and with the following vote, the Board of Supervisors approved the application for a special exception in the B-2 General Commercial District to allow a used automobile sales lot with the following conditions:

- Maximum of thirty-five (35) vehicles for sale at any one time (applicant’s request).
- Display area for automobiles may be graveled to begin the business and may be surface treated within twenty-four (24) months.
- Landscaping shall be planted along the front of the existing building and around the proposed sign within one year.
- Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets

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

NAY: None

**2010-16** Request by Philip H. deVos for a special exception in the Route 130 overlay zone. The purpose of the special exception is to allow a manufactured home that is less than twenty (20) feet in width to be permitted on the property. The parcel is located at 5224 Elon Road and is further identified as tax map number 103-A-52A.

Mr. J. Bryant presented case.

Planning Department had done a survey of area and found 13 single wides along Rt. 130 and they had received letter from Kevin Cash in opposition to the single wide being placed on property as Rt. 130 is a scenic byway.

The Planning Commission approved with the following conditions:

- The existing vegetation between Route 130 and the existing home site (as shown on the aerial photograph) shall remain to buffer the manufactured home from the scenic corridor (Route 130).
- Approval of the drainfield by the Health Department prior to issuance of a zoning permit.
- The use of the mobile home may continue while habitable, but cannot be replaced with a new single-wide manufactured home.
- The Route 130 driveway entrance will be allowed as a temporary with extra screening blocking the single wide from Rt. 130 and the entrance on Centenary Place will be the main entrance.
- An evergreen buffer shall be place between the existing vegetative buffer and the proposed manufactured dwelling. The buffer shall be a double staggered row of evergreens in accordance with the Amherst County Landscaping Ordinance and shall be planted a total distance of one hundred and fifty (150) feet in length.

Mr. Tucker requested the distance between single wide and the road – 60 ft.

#### Public Hearing

Proponents: Thomas Brooks – representing Philip deVos

Ms. Tucker asked where the single wide was at this time. It was explained that the trailer was in Augusta County and he was trying to move to Amherst County. The single wide is 14'x66' and it is a 1986 model.

Johnny Coffey with Cash Brothers Real Estate spoke for Mr. deVos.

J. Bryant spoke again answering questions.

Opponents: None

#### Board of Supervisors

Mr. Vandall – change Item 3 of staff report to ‘as long as Mr. deVos resides in the mobile home.

Ms. Tucker – feels for Mr. deVos and his situation but the overlay zone is there for a reason.

Mr. Brooks – the variance would not go away

Mr. Kidd – trying to understand – Mr. deVos came to the planning commission wanting to put single wide on the property, the zoning appeals granted approval with it not being passed on and now he wants to be able to sell the property if something happens.

Mr. Vandall wanted clarification

Mr. Curd feels for Mr. deVos.

On motion of Mr. Vandall and with the following vote, the Board of Supervisors approved the special exception with the following conditions to allow a manufactured home that is less than twenty (20) feet in width to be permitted on the property:

- The existing vegetation between Route 130 and the existing home site (as shown on the aerial photograph) shall remain to buffer the manufactured home from the scenic corridor (Route 130).
- Approval of the drainfield by the Health Department prior to issuance of a zoning permit.
- The use of the mobile home may continue while habitable, but cannot be replaced with a new single-wide manufactured home.
- The Route 130 driveway entrance will be allowed as a temporary with extra screening blocking the single wide from Rt. 130 and the entrance on Centenary Place will be the main entrance.
- An evergreen buffer shall be place between the existing vegetative buffer and the proposed manufactured dwelling. The buffer shall be a double staggered row of evergreens in accordance with the Amherst County Landscaping Ordinance and shall be planted a total distance of one hundred and fifty (150) feet in length.

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

NAY: None

#### **IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

VDOT had received a request to abandon a section of old Route 151 between Route 785 and Route 665 in Amherst County and they were seeking the Board of Supervisors approval/concurrence on this before they proceed to hold a public hearing.

On motion of Mr. D. Kidd and with the following vote, the Board directed staff to inform VDOT that they had no objections and had not received any comments from any citizens.

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

**IN RE: SPECIAL EVENTS/PUBLIC ENTERTAINMENT APPLICATION**

An application from Rebec Vineyards seeking approval for the Summer Cooler event planned for August 7, 2010 was received for the July 20, 2010 Board of Supervisors meeting.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the application for the Summer Cooler event on August 7, 2010.

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

**IN RE: CORRESPONDENCE**

- a. Building Safety & Inspections Monthly Report June 2010
- b. Office of the Sheriff Monthly report June 2010
- c. Appalachian Power Company application to revise its fuel factor pursuant to VA. Code § 56-249.6 VA.S.C.C. Case No. PUE-2010-00058
- d. VDOT Traffic Alert – July 12-16, 2010

Information only

**IN RE: FINANCIAL REPORT – JUNE 2010**

Brenda Campbell, Direction of Accounting, presented a financial report for June 2010 and was available to answer any questions.

**IN RE: AGREEMENT BETWEEN SANDS ANDERSON AND AMHERST COUNTY**

As agreed between the County of Amherst, Virginia and Sands Anderson, the firm has filed a Notice of Participation in the above-referenced State Corporation Commission proceedings on behalf of the Locality for a flat fee of \$750.00. This letter sets forth the scope and terms of our continued representation of the Locality in the SCC Proceedings following the filing of the Notice of Participation as of May 15, 2010.

On motion of Mr. R. Vandall and with the following vote, the Board of Supervisors approved the agreement.

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. R. Vandall and with the following vote, the Board of Supervisors approved the following appropriations/transfers:

**a. APPROPRIATIONS**

Sheriff's Department

31020-3004-100	Auto Repairs	\$	87.20
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**b. TRANSFERS**

Victim Witness

Transfer from:

22030-5203	Telecommunications	\$	34.14
22030-5501	Travel		26.62

Transfer to:

2203-5401	Office Supplies	\$	60.76
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Sheriff's Department

Transfer from:

31020-7001	Equipment	\$	435.00
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Transfer to:

31020-3004	Vehicle Repair	\$	50.00
31020-3016	Radio Repair		300.00
31020-5203	Telephone		60.00
31020-5449	Tires		25.00

Jail

Transfer from:

33010-5410	Uniform	\$	810.00
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Transfer to:

33010-3001	Doctor	\$	410.00
33010-5408	Gas		400.00

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****a. Prioritize Legal Matters**

The matter of prioritizing the legal matters that are pending for the County Attorney was presented to the Board.

The consensus was to hold this until the new County Attorney is on board and discuss this with her.

Ms. C. Tucker – the agricultural services from VPI

Mr. Lintecum said he had been checking on this and as of now it looks like we do not have agricultural services but in discussing this with the department, they are looking in to it.

Mr. R. Vandall – 1935 S. Coolwell Rd. It looks like if a plight property anywhere in the County is brought to the Board's attention then some action can be taken to correct this property.

On motion of Mr. Vandall and with the following vote, the Board directed Kenneth Campbell to inspect the property at 1935 S. Coolwell Rd.

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

NAY: None

Mr. R. Vandall also informed the Board that he and Mr. Lintecum and attended the Regional 2000 Board meeting. He. Is now the chairman and Mr. Lintecum is the treasurer.

Mr. F Campbell – abandoned waste treatment plan – would like each member of the Board of Supervisors to visit the site and see if you want a park next to it.

Mr. D. Kidd – would like to resume getting the action on projects report

Mr. R. Curd – none

**IN RE: ADJOURNMENT**

On motion of Mr. R. Curd, seconded by Ms. Tucker and with the following vote, the Board adjourned.

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Donald W. Kidd, Chairman  
Amherst County Board of Supervisors

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C. Lee Lintecum, County Administrator