

MINUTES
Book 34

AMHERST COUNTY BOARD OF SUPERVISORS

AGENDA

AUGUST 18, 2015

ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM
7:00 P.M.

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

A. Ordinance No. 2015-0005, creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.

VI. Consent Agenda

- A. Accounting - FY15 Appropriation of Revenue
- B. Accounting – FY16 Appropriation of Revenue
- C. Accounting – FY2016 Local Fine Revenue

VII. New Business

- A. Human Resources – Compensation Plan Proposal
- B. Planning/Zoning – Special Exception Request #2015-04 Centra Health
- C. Planning/Zoning – Special Exception Request #2015-05 Joseph Cruz
- D. Amherst County Public Schools – Supplemental Appropriation to FY15 School Operational Budget
- E. Treasurer – Appropriation Request - Records Retention Shelving
- F. Sheriff's Office – Appropriation Request – Courthouse Metal Detector

- VIII.** Old Business
 - A. Monelison Fire & Rescue Building
- IX.** County Administrator Report
- X.** Departmental Reports
 - A. Building Safety & Inspections – Monthly Report July 2015
- XI.** Citizen Comments
- XII.** Matters from Members of the Board of Supervisors
- XIII.** Adjourn

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 18th day of August, 2015, at 7:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT:	Mr. David W. Pugh, Jr., Chairman	ABSENT: None
	Mrs. Claudia D. Tucker, Vice-Chair	
	Mr. Robert M. Curd, Supervisor	
	Mr. John A. Marks, Jr., Supervisor	
	Mr. Donald W. Kidd, Supervisor	

STAFF PRESENT: Dean Rodgers, County Administrator; Ellen Bowyer, County Attorney; and Regina Rice, Executive Administrative Assistant.

OTHERS PRESENT: Jeremy Bryant, Director Planning/Zoning; Jane Irby, Commissioner of the Revenue; and James Thornhill, HR Coordinator

I. Call to Order

Chairman Pugh called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

Chairman Pugh amended the Agenda and moved items B. and C. under VII. New Business to Item V. Public Hearing; added under VII. New Business as item A. Personal Property Tax Relief for the 2015 Tax Year and renumbered item D. as C.; item E. as D; and item F. as E.

By motion of Supervisor Tucker and with the following vote, the Board approved the Agenda as amended for August 18, 2015.

AYE:	Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

IV. Citizen Comments

Evan Cater of Madison Heights, Virginia addressed the Board concerning draft Ordinance 2015-0005 declaring the neighborhood a no-shoot zone. Mr. Cater acknowledged he was the person who sparked this petition and stated the petitioner failed to meet the statutory burden of 51% residents required. Mr. Cater stated petition contains signatures of 49 residents with at least two individuals who do not reside in the neighborhood and are not eligible to sign the petition. Mr. Cater stated this petition was fraudulently brought before the Board and should not be lawfully considered. Mr. Cater said there was no need to restrict his rights on his property and provided the Board maps showing the discharge of firearms on his property and no harm to adjoining neighbors. Mr. Cater stated that no one from this neighborhood came to his house to tell him that they did not like what he was doing. Mr. Cater requested the Board reject this ordinance based on the reason that the discharge of his firearm is neither reckless nor causing any harm and that the petition was presented unlawfully before this Board.

Mr. Lee Day of Forest, Virginia, addressed the Board and encouraged the Board to move the Monelison Fire Safety building project forward due to the existing building's age, need of repair and the urgency to provide these folks with a new building.

Mr. Eldon Cox of Amherst, Virginia addressed the Board regarding a decision made by the Board of Supervisors in August to discuss the financing from the Building Committee and to make recommendations what to do. Mr. Cox stated the decision was made that a Public Safety building was needed, to have a viable plan to erase the problems the building currently has, and to put our firemen into a new facility. Mr. Cox encouraged the Board to step up to the plate and take a leadership position and get on with this project.

Supervisor Kidd stated that Mr. Cox served on the Public Safety Building Committee and was aware of the amount of time that went into this.

Harold Woody, President of Monelison Fire and Rescue, Madison Heights, Virginia, addressed the Board concerning the Monelison Fire Safety building project. Mr. Woody stated that approximately three years ago the former County Administrator contacted him and asked if we were interested in talking with the Board of Supervisors about building a Public Safety Building. Mr. Woody said the Memorandum of Agreement stated the real property would be deeded to the Board of Supervisors to liquidate and to apply those funds towards the cost of the new building since there would be some money coming back. Mr. Woody asked the Board to give this high priority and consideration.

Mr. Jim Thompson of Madison Heights, Virginia addressed the Board regarding the cell tower proposal at Elon Elementary. Mr. Thompson provided the Board with an update regarding upcoming meetings by the Amherst County School Board on September 14th with Milestone Communications and September 22nd for public input and October 8th as a vote date. Mr. Thompson thanked Supervisor Curd for visiting the school and looking at the school property. Mr. Thompson stated that the School Board members agreed to go to Elon Elementary to look at the site.

Chairman Pugh closed the Citizen Comment section.

V. Public Hearing

A. Ordinance No. 2015-0005, creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.

Jeremy Bryant, Director Planning /Zoning presented the Board information regarding the Erosion and Sediment Control Ordinance. Mr. Bryant explained the General Assembly made changes that included renumbered code sections and a transfer of the regulatory authority to the State Water Control Board. As a result of these changes, the Erosion and Sediment Control Ordinance has been updated.

Chairman Pugh opened the Public Hearing.

Proponents: none

Opponents: Mr. Jim Thompson of Madison Heights, Virginia stated he was concerned that the ordinance did not include cell tower builders and compounds. Mr. Thompson said there is a stormwater detention pond at the school that overflows onto his property and he is concerned about the continual overflow and putting his property in harm's way.

Mr. Thompson said another concern is that area at Elon Elementary School is used as a miniature wetlands and to consider this from a soil and water perspective. Mr. Thompson said he is opposed to this ordinance if it precludes protecting the miniature wetland area at the school and the stormwater detention pond runoff.

Chairman Pugh closed the Public Hearing.

By motion of Supervisor Tucker and with the following vote, the Board adopted Ordinance 2015-0005. (See Attachment 1)

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd

NAY: None

ABSENT: None

B. Planning/Zoning – Special Exception Request #2015-04 Centra Health

Jeremy Bryant, Planning/Zoning Director addressed the Board and provided information regarding Special Exception Request #2015-04 Centra Health. Mr. Bryant advised Centra Health submitted a request to modify three (3) of the four (4) previously approved conditions on its abuse treatment facility located at 1770 Early Farm Road.

Mr. Bryant stated that the Planning Commission modified the conditions and recommended approval of this request. Mr. Bryant said it was a favorable recommendation by the Planning Commission.

Chairman Pugh stated he had been notified by a neighbor concerned about clients coming off the property and walking down the road.

Chairman Pugh asked the folks from Centra to come forward to address this concern.

Mr. Ted Stryker, Vice President for Mental Health Services, Dr. Michael Judd, Medical Director for the Mental Health Service Line and Mr. Brent McCraw, Director of Addiction Services came forward.

Mr. McCraw explained the program has added an explicit rule that addresses clients staying on the back side of the property. Mr. McCraw said that having operated a facility on Rivermont Avenue in Lynchburg, Virginia for 31 years, there has never been an incident that a patient wandered onto neighbors' property and he feels this will not be an issue.

Chairman Pugh asked Mr. McCraw what type of clients would be coming to this facility.

Mr. McCraw advised the Board they treat adults 18 years and older, patients who have commercial insurance, are employed and voluntarily admit themselves to this program. Mr. McCraw stated they have treated over 6,000 patients since opening in 1984 with over 120 former alumni from Amherst County, 50-60% patients from the Region 2000 area, and patients admitted some from other areas.

Chairman Pugh opened the Public Hearing.

Proponents: Mr. Jack Hitchman, Madison Heights, Virginia addressed the Board and stated Pathways Treatment Center saved his life and believes this it would be in the best interest to have this treatment center in Amherst County.

Dr. Duncan Augustine of Amherst, Virginia addressed the Board and stated that Pathways helped his family. Dr. Augustine said with the current Centra facility at Ambriar Plaza and this future substance abuse facility, he believed this is part of a whole movement of growth as well as money and taxes coming into Amherst County.

Mr. Paul Kilgore of Amherst, Virginia addressed the Board and stated he is a real estate broker and representative of the owner of this property. Mr. Kilgore stated he supports this clinic operated by Centra.

Opponents: None

Chairman Pugh closed the Public Hearing.

By motion of Chairman Pugh and with the following vote, the Board granted Special Exception Request #2015-04 with the noted recommendations by the Planning Commission.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

C. Planning/Zoning – Special Exception Request #2015-05 Joseph Cruz

Jeremy Bryant, Planning/Zoning Director addressed the Board and provided information regarding a special request by Joseph Cruz to expand the use of his property to include a used automobile sales lot. This property is located at 5363 South Amherst Highway, Madison Heights, Virginia.

On July 16, 2015 the Planning Commission recommended approval of the request with specific conditions.

Chairman Pugh opened the Public Hearing.

Proponents: None

Opponents: None

Chairman Pugh closed the Public Hearing.

By motion of Chairman Pugh and with the following vote, the Board granted Special Exception Request #2015-05.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VI. Consent Agenda

A. Accounting - FY15 Appropriation of Revenue

By motion of Chairman Pugh and with the following vote, the Board approved the FY15 Appropriation of Revenue.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

B. Accounting – FY16 Appropriation of Revenue

By motion of Chairman Pugh and with the following vote, the Board approved the FY16 Appropriation of Revenue.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

C. Accounting – FY2016 Local Fine Reversion

Mr. Rodgers explained to the Board the County is giving back a portion of its local fine monies to the State Comptroller and the County must adjust its respective budgets.

Chairman Pugh asked why that only two counties, Amherst and Arlington, have to pay a remittance portion of the localities' local fine monies to the State to be deposited into the Library Fund. Chairman Pugh stated he would like to see a statewide comparison to see what other localities in the state are doing.

Mr. Rodgers advised he will research this and provide information back to the Board.

By motion of Chairman Pugh and with the following vote, the Board approved the FY2016 Local Fine Reversion.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VII. New Business

A. Personal Property Tax Relief for the 2015 Tax Year

Ms. Jane Irby, Commissioner of the Revenue, addressed the Board regarding the Personal Property Tax Relief for 2015. Ms. Irby stated it is necessary to set each year for all vehicles garaged in Amherst County.

By motion of Supervisor Marks and with the following vote, the Board approved the Personal Property Tax Relief (PPTRA) rate as 39.91% for the 2015 tax year which is part of the 2015-2016 fiscal year.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

B. Human Resources – Compensation Plan Proposal

Mr. James Thornhill, Human Resource Coordinator addressed the Board regarding the County's compensation plan proposal.

Mr. Thornhill explained one change to the policy would be to go to a simple pay scale with 17 grades with a minimum and maximum pay for each grade. Mr. Thornhill explained this would take away all of the current steps and put employees into a new grade that matches their current pay.

Mr. Thornhill stated the second issue is the creation of a salary adjustment account. Mr. Thornhill explained he is not asking for any money but for the creation of an account that later funding would be appropriated to that account.

Supervisor Marks said he would like to see the Personnel Committee's written documentation relative to their discussion of this issue.

Mr. Rodgers explained Chapters 4 and 5 of the Personnel Policy Manual were rewritten by the Personnel Committee and the section they have not seen is the section regarding the salary adjustment account.

Supervisor Marks made a motion that this issue not be addressed tonight and that it go back to the Personnel Committee for their review and approval.

Supervisor Tucker asked if the Personnel Committee was under the impression to approve this or what was their assumption.

Mr. Rodgers stated that J. D. Mitchell was hired to review our Personnel Policy. He reviewed and updated all policies and presented them to the Personnel Committee. The Personnel Committee was asked by Mr. Rodgers to produce a draft manual for him to present to the Board. Mr. Rodgers said there are not many significant changes to the existing policy manual. Proposed changes or policy significant modifications are highlighted for the Board in the Excerpts attachment.

Mr. Rodgers advised he wanted to keep the process moving by putting this before the Board at this time but could bring the description of the Personnel Contingency Fund back to the Personnel Committee.

Supervisor Marks stated that the normal process would be to take this to the Personnel Committee to approve before the issue comes before the Board.

Chairman Pugh stated that the wage scale structure needs to be changed.

Mr. Rodgers advised the wage scale does not work and pay ranges were put before the Personnel Committee based on the compensation study.

Supervisor Kidd asked Mr. Rodgers if the proposed pay scale is a new proposal and was it from the City of Lynchburg and Louisa County.

Mr. Rodgers stated the compensation study which was completed last fall included all counties in Region 2000 and several neighboring counties in order to help identify the average salaries. It did include Louisa County (similar size) and the City of Lynchburg (labor competitor). It also included Botetourt County (similar size) and Rockbridge County (labor competitor).

By motion of Supervisor Marks and with the following vote, the Board directed the County Administrator to obtain the reaction of the Personnel Committee to this compensation proposal and to share it with the Board.

AYE:	Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
NAY:	None
ABSENT:	None

Supervisor Tucker requested a timeline by next meeting.

Supervisor Marks requested comments by the Personnel Committee.

~~B. Planning/Zoning—Special Exception Request #2015-04 Centra Health~~

~~C. Planning/Zoning – Special Exception Request #2015-05 Joseph Cruz~~

D. Amherst County Public Schools – Supplemental Appropriation to FY15 School Operational Budget

By motion of Supervisor Marks and with the following vote, the Board appropriated the above receipts into the School District's FY15 School Operational Budget.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

E. Treasurer – Appropriation Request - Records Retention Shelving

Mr. Rodgers advised the Treasurer has moved retention records to the basement of the new courthouse and requested an additional \$1,126 to pay for additional shelves. The additional funding can be drawn from anticipated administrative fee income charged to delinquent taxpayers in collection efforts in the year ahead.

Supervisor Tucker stated she has an issue with this because budgets are cut so close. This type of request demonstrates that the budget is not realistic and she believes this is a structural problem.

Supervisor Marks stated he was aware that the Treasurer had money from the last fiscal year that he had collected from all fines and when he questioned the Treasurer, the Treasurer advised this money went away.

Mr. Rodgers explained that the General Fund starts over each year and the new budget starts with a new total. The Treasurer, in the course of the coming year, will collect this money but it is not in his account now.

By motion of Supervisor Marks and with the following vote, the board voted to appropriate \$1,126 from the General Fund and the amount is to be reimbursed from collections yet to be received in the current fiscal year.

AYE: Mr. Pugh, Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: Mrs. Tucker
 ABSENT: None

F. Sheriff's Office – Appropriation Request – Courthouse Metal Detector

The Amherst County Courthouse walk-through metal detector is malfunctioning and cannot be repaired due to age and has created an immediate concern for the Courthouse operations. A replacement model under State Contract costs \$3254.55.

By motion of Supervisor Marks and with the following vote, the Board appropriated \$3254.55 from the unobligated general fund to replace the existing walk-through Courthouse metal detector.

AYE: Mr. Pugh, Mrs. Tucker Mr. Curd, Mr. Marks and Mr. Kidd
 NAY: None
 ABSENT: None

VIII. Old Business

A. Monelison Fire & Rescue Building

Mr. Rodgers advised the Board is being asked to take action on the remaining PPEA proposal from Jamerson-Lewis Construction Company. Mr. Rodgers stated that Mr. Gillespie was unable to get the information concerning whether the costs had changed and by how much. Mr. Rodgers advised Jamerson is still interested in the project but Glass & Associates is not.

Jamerson-Lewis suggested the County retain an architect to produce construction drawings to put out to bid.

Supervisor Marks asked if the County was going away from the PPEA process. Mr. Rodgers stated he presumed it would and that the drawings must be done first. The cost of the project is approximately \$2.1 million by Jamerson-Lewis.

Chairman Pugh stated this issue has been discussed for quite some time and a decision needed to be made to either go forward nor not.

Supervisor Marks stated he respectfully disagreed with the staff recommendation regarding the proposed Public Safety building for the Monelison Fire and Rescue organizations.

Supervisor Marks read his comment regarding the proposed Public Safety Building recommendations by staff:

"Public safety is one of the primary core responsibilities of this board. We are fortunate that the volunteer fire organizations in the county are doing a commendable job for the citizens of Amherst County. Unfortunately we cannot make the same statement in regards to the volunteer rescue organizations. The number of calls being handled by the career EMT staff continues to escalate and has now reached 95%. In 2013 the career staff responded to 84% of the rescue calls, in 2014 the career staff responded to 92% of the calls and in 2015 that response number is 95%. We know that on two of the important holiday weekends, Memorial Day and Fourth of July, at Monelison there were no volunteer rescue crews on duty. At Amherst on Memorial Day weekend there was one crew of two people on duty for part of the day on Saturday and no volunteers on duty during the Fourth of July weekend. There are recorded instances when all career staff were on calls and assistance was requested for mutual aid from other localities because there was no volunteer rescue response. In some instances outside organizations were able to respond, but not in each case. That we need to add career staff is not a question, it is a certainty. Adding three EMT's ranked high in our recent surveys. If things continue as they are now going indications are that we will soon need to add another team of six EMT's to provide the emergency services our citizens deserve. To add staff we need suitable facilities to house them. We have been advised that upgrade of the current fire and rescue facilities at Monelison would require an outlay of approximately 1.3 million dollars. We have also been advised by an engineering firm that we should not be spending money on these buildings due to their age and conditions, among other things. I personally do not believe this board should be spending taxpayer money to upgrade buildings that do not belong to the taxpayer and over which neither the taxpayer or the Board of Supervisors have any control.

The combination of these two units into a modern energy efficient building can only be a money saver for operating expense for years to come.

To proceed with this building was a recommendation of the Building Committee, supported by the approval of the Monelison Fire and Rescue organization. We have also been told by those in the construction business that we will probably never be able to build this building as cheaply as we could at this time. It is my personal opinion that to not follow through with the Building Committee's recommendation would be short sighted on our part".

Supervisors Marks requested his statement be included in the Minutes.

Chairman Pugh commented that at the Strategic Planning workshop held on August 10th, the group looked at what the proprieties were and the Monelison Public Safety building was listed as number thirteen and that number one was the School capital improvement funding program. Chairman Pugh stated the vote was split among the volunteer fire organization and volunteer rescue squad with Harold Woody casting the deciding vote that they wanted to move forward.

Chairman Pugh stated he did not agree that the building has outlived its life as recommended by this group and therefore stated he cannot support the Monelison Public Safety Building at this time.

Supervisor Marks said the County gave Monelison Fire & Rescue \$108,000 in this budget year as operating expenses and he would not vote to upgrade the building.

Supervisor Tucker commented that in the workshop there was a discussion of what was important to Amherst County and it was expressed it was economic development since the County cannot base everything on real estate. Mrs. Tucker stated that our number one issue is to bring businesses into the County and to take care of our buildings.

Supervisor Tucker stated she is proud of the volunteers; however, she was not expecting to learn about the shape of the County's school buildings due to maintenance cutbacks in 2007 as well as the School and the Administration building and other County buildings.

Supervisor Tucker said another issue of important is the expansion of Social Services and pay adjustments for the Sheriff's Office due to the action by the General Assembly.

Supervisor Tucker stated the Public Safety building is important; however, there are other issues that people believe are more important and stated she is not saying we cannot have a Public Safety building, but not right now.

Mr. Rodgers explained that staff recognizes why the building is important and staff's recommendation is based on the results of the planning workshop. The Board's prioritization indicated it wanted to put other things ahead of this.

Supervisor Kidd commented that as Chairman of the Building Committee, the Committee worked on this for some time and stated if this project is put off another three or four years, it will cost the County an additional \$2-3 million dollars.

Mr. Rodgers said the list generated by all thirteen in the workshop was to help the Board prioritize so that staff could receive some guidance from the Board regarding which projects the Board considered the most important. Mr. Rodgers said he does need the opinion of the Board's five members to re-prioritize these items and he will rescore and return to the Board to see the Board's prioritization.

Supervisor Curd stated he would like to re-prioritize and would like to see what is compiled after the Board rescors this list and what the impact will be for all the projects.

Supervisor Tucker stated she agreed that the Board needs to prioritize this and would like to think about this some more.

Supervisor Marks said his concern is if we state our priorities what message are we sending to other eight people who sat in that meeting all day?

Chairman Pugh said he thought the Board should take a vote tonight and make a decision on the Public Safety building.

Supervisor Kidd agreed with Supervisor Curd and stated why do we have a timeline and why are we rushing to get something done?

Supervisor Curd said there is a certain pot of money that needs to be divided and prioritized and that should be dedicated to those projects. Supervisor Curd stated the issue with financing the Schools needs, new staff and the new building is his concern and that each has a dollar figure attached to it in order to see the outcome.

Mr. Rodgers stated that the other members invited to the workshop were there to provide counsel and to assist the Board by providing their input to help prioritize these projects.

Supervisor Curd questioned that the Board is being asked to make a decision on one of these 14 projects and recognized that Monelison has been on the table the longest. Supervisor Curd said he recognized the need to move forward on this.

Chairman Pugh stated this can be put on next year's CIP project list.

Chairman Pugh made a motion that this project be terminated.

Supervisor Kidd called for a roll call vote.

By a roll call vote and with the following vote, the Board voted that the procurement process for evaluation of the Monelison Fire & Rescue Building project be terminated, that the project be included in the next fiscal year's CIP projects list and that Jamerson-Lewis' evaluation deposit in the amount of \$5,000 be returned to them.

AYE: Mr. Curd, Mrs. Tucker and Mr. Pugh
 NAY: Mr. Marks and Mr. Kidd
 ABSENT: None

XIV. County Administrator Report

Mr. Rodgers raised the Strategic Planning Workshop and requested he would like the Board to prioritize the projects by having all the Board members score them and email the information to him to compile a list.

Mr. Rodgers discussed the Action Tracker Project status and provided the Board with logon instructions and a new password.

Supervisor Marks raised a question regarding the Learning Lane project and noticed the next action is to present the deeds to the property owners. Supervisor Marks asked why is taking 1-1/2 months to do this. Mr. Rodgers explained VDOT has to approve the language on the deeds and this should be completed by the end of September.

Mr. Rodgers referenced the correspondence he mailed to the delegates regarding the Compensation Board's action.

Mr. Rodgers provided the Board information with regard to VACo's annual conference in November and asked any Board member who would like to attend to advise him.

Departmental Reports

A. Building Safety & Inspections – Monthly Report July 2015

For information only.

XV. Citizen Comments

Ms. Abbey Thompson of Madison Heights, Virginia expressed her appreciation for the school and staff at Elon Elementary. Ms. Thompson asked the Board to consider making changes to the current cell tower ordinance. Ms. Thompson stated the option of placing cell towers on

school property has divided the community which will cause schools to rent their property to raise money and take away the main focus from education.

Mr. Richard Wilkins, Amherst, Virginia, thanked the Board who respected the priority given the Monelison Fire Rescue building by the other members attending the Strategic Planning workshop and stated that Mr. Marks did not respect them by his vote.

The Citizen Comments section was closed.

XVI. Matters from Members of the Board of Supervisors

Supervisor Marks commented that the grass at the Phelps Road school property needs cutting.

Supervisor Kidd had no matter to discuss.

Supervisor Curd had no matter to discuss.

Supervisor Tucker had no matter to discuss.

Chairman Pugh stated he would like to speak with Mr. Bryant of Planning/Zoning to understand the County's ordinance regarding trash and grass. Chairman Pugh stated he has received a call from a constituent who wanted to know the points of this ordinance dealing with the trash and grass a problem. This constituent advised the neighbor's bushes are growing across her fence and why the County had not addressed this issue when they came and cut the grass.

XIII. Adjourn

On motion by Supervisor Marks and with the following vote, the Board moved to adjourn.

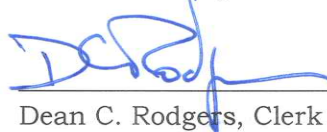
AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd

NAY: None

ABSENT: None



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors
County Ordinance No. 2015-0005**

AN ORDINANCE, NO. 2015-0005

Creating a new Article IV within Chapter 11 of the Amherst County Code to establish standards and procedures governing land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. The article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations, and is necessitated due to recent changes in State law.

Approved as to form and legality by the County Attorney

**FIRST READING: Board of Supervisors, August 4, 2015
PUBLIC HEARING: Board of Supervisors, August 18, 2015**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Article IV, Erosion and Sediment Control, consisting of sections 11-50 through 11-61, is added to Chapter 11 of the Code of the County of Amherst, as follows:

Article IV. EROSION AND SEDIMENT CONTROL

Sec. 11-50. Title, purpose, and authority.

The purpose of this article, which shall be known as the "Erosion and Sediment Control Ordinance of Amherst County", is to conserve the land, water, air, natural resources, and general environment of the County, and to promote the public health and welfare by establishing minimum standards and procedures for the enforcement and administration of a program regulating land-disturbing activities so as to minimize the harm that may be caused by any associated erosion and sediment deposits. This article is established pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia and associated regulations.

Sec. 11-51. Definitions.

As used in this article, unless the context requires a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner, which may be executed in lieu of a site plan, that specifies conservation measures that must be implemented in the construction of a single-family residence.

Applicant means any person submitting an erosion and sediment control plan or an agreement in lieu of a plan for approval, or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the State Water Control Board.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

County means the County of Amherst.

Department means the Department of Environmental Quality.

Development means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

Director means the County's zoning administrator or designee, who shall be certified or otherwise qualified pursuant to the Virginia Code as a certified program administrator, and who shall be the plan-approving authority for purposes of this article. The Director shall be the erosion and sediment control program administrator, and shall provide for administration and enforcement of the program by properly certified inspectors and plan reviewers, and by issuance of regulations approved by the County Administrator pertaining to details of administration and enforcement, including permit application requirements.

Erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes, or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping, or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land-disturbing activity means any man-made change to the land surface which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth,

including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;
- (6) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (§ 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Code of Virginia, § 10.1-1163(B);
- (7) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (8) Disturbed land areas of less than ten thousand (10,000) square feet in size;
- (9) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- (10) Shoreline erosion control projects when all of the land-disturbing activities are within the regulatory authority of and approved by the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article; and
- (11) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan had it not been an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the Director's requirements.

Land-disturbing permit means a permit issued by the Director to permit a legal land-disturbing activity.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Plan-approving authority means the zoning administrator.

Responsible land disturber means an individual who holds a certificate of competence issued by the Virginia State Water Control Board, who shall be responsible for carrying out a land-disturbing activity.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

Stabilized means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program authority or *VESCP authority* means an authority approved by the Board to operate a Virginia Erosion and Sediment Control Program.

Water quality volume means the volume equal to the first one-half (1/2) inch of runoff multiplied by the impervious surface of the land development project.

Sec. 11-52. Erosion and sediment control plans, when required.

(a) Except as provided herein, no person may engage in any land-disturbing activity, nor shall the owner of any land permit any land-disturbing activity thereon, until the Director has approved an erosion and sediment control plan for the land-disturbing activity, approved the bond or other security, and issued a land-disturbing permit. The Director shall obtain evidence of Virginia Stormwater Management Program permit coverage, if applicable, and shall ensure the applicant or owner is otherwise compliant with all applicable state, local, and federal law prior to approving the permit.

(b) If the land-disturbing activity is for the construction of a single-family residence, the Director may accept an agreement in lieu of a plan, and no permit shall be required. The person responsible for carrying out the agreement shall provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities. Failure to provide the name of an individual holding a certificate of competence may result in termination of the agreement, and the Director may require a plan and pursue other enforcement action. The agreement, in a form prescribed by the Director, shall include a requirement to comply with the conservation standards of this article and any reasonable requirements determined to be necessary by the Director to provide adequate control of erosion and sedimentation resulting from the land-disturbing activity. The Director may, however, require a plan for such individual lots if the Director determines that severe topography, erodible soils, resource protection areas or other environmentally sensitive features are present on the lot.

(c) If the Director finds any area of land to be an erosion impact area, a certified letter, return receipt requested, shall be sent to the landowner advising him that he must submit a plan for such area or agreement in lieu of a plan, if applicable, and security as provided in this article, within thirty (30) calendar days of receipt of the letter. The plan contents, and the review and approval of any land-disturbing activity shall conform to the requirements of this article.

(d) When it is necessary for a contractor to undertake land-disturbing activity in the course of performing work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the property owner.

(e) Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP authority, an erosion and sediment control plan, at the request of one or all of the VESCP authorities, may be submitted to the Department for review and approval rather than to each VESCP authority.

(f) The requirements of this article shall not apply to state agencies, nor to electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies.

(g) Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65.

(h) Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that

is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Permit Regulations.

Sec. 11-53. Contents of plans; fees.

(a) The erosion and sediment control plan shall include:

(1) A narrative report with plan details as may be necessary to describe the project and give the purposes, schedule of phasing of major construction activities, and a schedule of application of control methods;

(2) A map or maps depicting the topography of the area, the existing trees, the limits for clearing and grading, and other proposed alterations of the area; and

(3) A description of all control measures and facilities.

The plan shall comply with the standards contained within the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) The person responsible for carrying out the plan shall (i) certify that he will properly perform the erosion and sediment control measures included in the plan, and will comply with all provisions of State and local law connected to erosion and sediment control, and (ii) provide the name of the responsible land disturber.

(c) Applicants shall pay plan review fees as follows:

(1) Noncommercial sites: The applicant shall pay a plan review fee of five hundred dollars (\$500.00); plus an additional ten dollars (\$10.00) per acre, or part thereof, for projects involving more than one (1) acre.

(2) Commercial sites: For commercial sites, including subdivision developments, the applicant shall pay a plan review fee of five hundred dollars (\$500.00); plus an additional fifty dollars (\$50.00) per acre, or part thereof, for projects involving more than one (1) acre.

Sec. 11-54. Review of plans.

(a) The Director shall review erosion and sediment control plans and agreements in lieu of plan and grant written approval within forty-five (45) days of the receipt of the plan or agreement if he determines that the plan or agreement meets state and local requirements.

(b) When the Director determines that a plan or agreement is inadequate, he shall send written notice of disapproval, stating the specific reasons for disapproval, to the applicant within sixty (60) days of receipt of the plan or agreement. The notice shall specify the modifications, terms, and conditions required for approval of the plan or agreement. If the Director does not take action within the time specified in subsection 11-54 (a), the plan or agreement shall be deemed approved and the person authorized to proceed with the proposed activity.

(c) Variances: Upon request, the Director may approve a variance waiving or modifying standards or approving alternative standards, as long as the alternative standards achieve an equal or higher level of water quality protection, in the Director's judgment, as existing standards. Variance requests must be in writing and must explain the reason(s) for the request. Approved variances shall be documented in the erosion and sediment control plan for the property. A variance may be requested by either an applicant or a person responsible for implementing the approved plan. An applicant may request a variance at the time of plan submission. The person responsible for implementing the approved plan may request a variance during construction. The Director shall respond in writing to each variance request within ten (10) days by either approving or denying the request or requesting additional information. If denied, the applicant may resubmit a variance request with additional documentation. If the Director denies a variance request or resubmitted variance request, the work shall comply with all applicable standards.

(d) Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

Sec. 11-55. Permits; fees; security for performance.

(a) Once the plan or agreement in lieu of plan has been approved, the Director shall issue a permit. The applicant shall pay an administrative fee to Amherst County at the time of issuance of the land-disturbing permit as follows:

10,000 sq. ft.—1 acre\$ 35.00

1—5 acres100.00

6—20 acres300.00

21 acres and up600.00

(b) All applicants for permits shall provide a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Director to ensure that the County can take measures at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or

maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five (25) percent of the cost of the conservation action. Should it be necessary for the County to take such conservation action, the County may collect from the applicant any costs in excess of the amount of the surety held.

Within sixty (60) days of adequate stabilization, as determined by Director, in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

(c) The permittee shall have one hundred and eighty (180) days after plan or agreement approval to initiate work under the approved plan; except that the Director may, upon written request from the permittee, grant an extension of time. Failure to initiate work shall render the permit null and void.

Sec. 11-56. Issuance of permits by other agencies

Other agencies authorized under any other law to issue grading, building, or other permits other than land-disturbing permits for activities involving land-disturbing activities shall not issue any such permit until a land disturbance permit has been issued and the applicant certifies that the plan will be followed.

Sec. 11-57. Amendment of approved plan or agreement.

The Director may change any approved plan or agreement if:

(1) Inspection has revealed that the plan or agreement is inadequate to satisfy applicable regulations; or

(2) The responsible land disturber finds that because of changed circumstances, or for other reasons the approved plan or agreement cannot be effectively carried out, and the Director and the responsible land disturber agree on amendments to the plan or agreement that are consistent with the requirements of this article.

Sec. 11-58. Monitoring, reports, and inspections.

(a) The Director may require the responsible land disturber to monitor the land-disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The responsible land disturber shall maintain records of any monitoring.

(b) The Director shall periodically inspect the land-disturbing activity to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(c) If the Director determines that there is a failure to comply with the plan, notice to comply shall be served upon the permittee or responsible land disturber by registered mail or by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

(d) The notice to comply shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this article and shall be subject to the penalties provided by Section 11-60.

(e) If the Director finds that the measures required by the plan or agreement are not effective or are not completely constructed or, if constructed, fail through overload or inadequate maintenance, then the Director may, in the event the owner or permittee does not, install ground cover or other ground stabilizing devices or material to the extent necessary to achieve erosion and sediment control equal to that which would have been furnished by the permanent cover shown on the approved plans or agreement. Such action shall be taken only upon failure to comply with a notice to comply in the time specified or issuance of a stop work order in accordance with this section and section 11-59, respectively. The costs of any such measures taken by the County shall be borne by the owner or permittee and shall be a charge against the bond or other security of the owner or permittee. Invocation of the remedies in this paragraph shall not preclude the invocation of any other legal remedies.

Sec. 11-59. Adherence to approved plans and specifications; stop work order.

(a) Upon determination of a violation of this article, the Director may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

(b) If land-disturbing activities have commenced without an approved plan, the Director may, in conjunction with or subsequent to a notice to comply as specified in this article, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

(c) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, the Director may issue a stop work order without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, the Director may issue a stop work order only after the permittee has failed to comply with the notice to comply.

(d) The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Amherst County.

(e) If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the Director may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of Amherst County.

(f) The owner may appeal the issuance of an order to the Circuit Court of Amherst County.

(g) Any person violating or failing, neglecting or refusing to obey an order issued by the Director may be compelled in a proceeding instituted in the Circuit Court of Amherst County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.

(h) Nothing in this section shall prevent the Director from taking additional enforcement action authorized by this article.

Sec. 11-60. Penalties, injunctions, and other legal actions.

(a) A civil penalty shall apply to any person who violates:

(1) Any condition of a land disturbance permit; or

(2) Any provision of this article, any provision of erosion and sediment control law, or any stop work order issued pursuant to this article.

The civil penalty for any one violation shall be not less than one hundred dollars (\$100.00) per day nor more than one thousand dollars (\$1,000.00) per day.

(b) Each day during which the violation is found to have existed shall constitute a separate offense.

(c) In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00).

(d) The Director may issue a summons for collection of the civil penalty. The Director also may bring a civil action for such violations or failure, and take all other enforcement actions authorized by the erosion and sediment control law.

(e) In addition to any other available remedies, the Director may apply to the Circuit Court to enjoin a violation or threatened violation of this article without the necessity of showing that an adequate remedy at law does not exist.

(f) In addition to any civil penalties provided under this article, any person who violates any provision of this article may be liable to the County in a civil action for damages.

(g) Without limiting the remedies which may be obtained in this section, any person violating, failing, neglecting, or refusing to obey any injunction or other remedy obtained pursuant to this article shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. The County may bring a civil action for such violation or failure in the General District or Circuit Court of the County, as appropriate.

(h) Any person who has violated or failed, neglected or refused to obey any condition of a permit or any provision of this article or any provision of erosion and sediment control law may enter into a consent order with the Director providing for the payment of civil charges for violation in specific sums, not to exceed two thousand dollars (\$2,000). Such civil charges shall be in lieu of any civil penalty which could be imposed.

(i) The Commonwealth's Attorney shall, at the County's request, take legal action to enforce the provisions of this article.

(j) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 11-61. Appeals and judicial review.


The Director's final decisions shall be subject to review by the Amherst County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

Secs. 11-62—11-70. Reserved.

§ 2. That Article III of Chapter 11 of the Code of the County of Amherst, consisting of §§ 11-35 through 11-42 be and hereby is repealed.

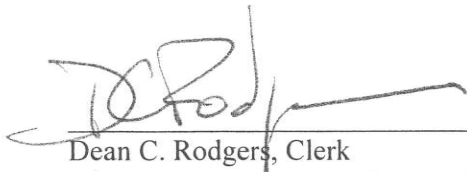
§ 3. That this ordinance shall be in force and effect upon adoption.

Adopted this 18th day of August, 2015.



David W. Pugh, Jr., Chairman
Amherst County Board of Supervisors

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0