

**BOOK 32**

**VIRGINIA:**

At a regular meeting of the Board of Supervisors of Amherst County held at the Administration Building thereof on Tuesday, the 17<sup>th</sup> day of July, 2007 at 1:00 p.m. at which the following members were present and absent:

**BOARD OF SUPERVISORS:**

<b>PRESENT:</b>	Mr. R. Vandall	<b>ABSENT:</b>	Mr. T. Fore
	Mr. J. Albert		
	Mr. V. Wood		
	Mr. L. Parrish		

Chairman Vandall called the meeting to order.

**IN RE: AGENDA**

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

County Administrator Reports:

- Request for part time landscaping position or private contract for \$2,750.00.
- Janetatos/Moore suit against county

Closed Session:

- Personnel matter
- Janetatos/Moore suit against County

**AGENDA  
TUESDAY, JULY 17, 2007  
ADMINISTRATION BUILDING – 153 WASHINGTON STREET  
1:00 P.M.**

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Special Appearances and Presentations**
  - a. Resolution in appreciation of Anne Richards
  - b. Amherst County Humane Society – Popie Martin
- V. Amherst County Public Schools – Dr. John Walker**
- VI. Virginia Department of Transportation – Michael McCormack**
- VII. Amherst County Service Authority – Dan French**
  - a. Easement through Amelon Industrial Park

**VIII. Citizen Comments****IX. Consent Agenda**

- a. Board of Supervisors Meeting Minutes – June 5<sup>th</sup>, June 11<sup>th</sup>, June 19<sup>th</sup> (2:00 p.m.), June 19<sup>th</sup> (7:00 p.m.) and June 21<sup>st</sup> 2007
- b. Building Department Monthly Report – June 2007
- c. Economic Development Incentive Program
- d. Amherst Industrial Development Authority – June 18, 2007
- e. Town of Amherst Industrial Development Authority – June 18, 2007
- f. US Department of Homeland Security (FEMA) – floodplain management
- g. Dept. of Taxation letter dated June 20, 2007 – Amherst County Board of Assessors
- h. Troy A. Cash – letter of June 21, 2007 not seeking reappointment
- i. Office of the Sheriff – Monthly report for May 2007
- j. Virginia Legal Aid Society – thank you letter of June 28, 2007
- k. VDOT – Traffic Alerts – June 25-29, 2007 and July 2-6, 2007

**X. Department Reports**Department of Comprehensive Services Act (CSA)

- a. Review of letter for office on Comprehensive Services Act for public comment.

Department of Economic Development

- a. Reimbursement of expenditures for construction of East and West Progress Lane at Amelon Commerce Center

Department of Parks & Recreation

- a. Public notice to amend Chapter 7 (Licenses, Permits and Business Regulations), Article I (In General) § 7-1 (Public entertainments, auditoriums or arenas).

Department of Planning

- a. Zoning Case 2007-22 – 704. General Residential District R-2

Department of Purchasing

- a. Demolition of "Old" Seminole School Building
- b. Animal Shelter Bids
- c. Traffic Speed Study – Amherst Plantation

Department of Solid Waste

- a. Proposed Litter Prevention and Control Ordinance – Second reading – letter July 9, 2007
- b. Adoption of the Resolution to adopt the Articles of Incorporation and authorization to enter into a Use Agreement to join the Region 2000 Service Authority
- c. Rt. 635 & Rt. 151 Convenience Centers – update – Revised Construction Schedule
- d. Litter Control Officer Job Description – Assign-A-Highway Status
- e. Landfill Operational Services Contract – Request for Proposal Number 27026 Renegotiations

Department of Zoning

- a. Public Notice to adopt an ordinance to regulate abandoned, immobilized, unattended and trespassing vehicles and parking
- b. Enforcement of zoning violations

#### XI. County Administrator

- a. Central Virginia Community Services FY 2008 Performance Contract with Department of Mental Health, Mental Retardation and Substance Abuse Services
- b. Governor Timothy M. Kaine – letter of June 5, 2007 workforce development

#### XII. County Attorney

- a. Blue Ridge Regional Jail Authority – Agreement
- b. Status Report Voting Rights Bailout

#### XIII. Appropriations/transfer/disbursements

#### XIV. Old Business

- a. Proposed dry hydrant ordinance for initial review – (Referred to Planning Commission) - Gary Roakes will be providing additional information to the Planning Commission in August.
- b. Public Safety vehicle – ~~waiting for reimbursement Virginia Department of Emergency Management notice of 6/13/07 grants approved and funds to be transferred by June 27 – Completed.~~
- c. Convenience Centers
  - (1) Warrick Barn Convenience Center – Bid document by August 2007
  - (2) Rt. 635 Convenience Center – Bid document by August 2007
  - (3) Rt. 60 - Negotiating for purchase of property ongoing
- d. Regional Solid Waste Plan – ~~Public Hearing June 19, 2007.~~ Board discussion July 17, 2007.
- e. Ebenezer and Cabell Lane – on going construction.
- f. Riveredge Park – Contract approval pending from VDOT
- g. Local tax relief thresholds – County Administrator reviewing Commissioner of the Revenue's information.
- h. Fee Structure Entertainment Ordinance – Board discussion July 17, 2007.
- i. Construction of East & West Progress Lane – CTB approved construction on West Progress to begin in July. East Progress is pending.
- j. ~~Engineering costs incurred for Amelon Commence Center – Joe Mullen investigating – Completed.~~
- k. Parks & Recreation Ordinances – Attorney sending to Sheriff for review.
- l. Inmate Work Ordinance – Public hearing to be scheduled.
- m. Speed limits for Amherst Plantation – ~~on agenda for May 15, 2007.~~ Update – Obtaining bids – will be available at June 19, 2007 meeting. Board discussion August 21, 2007.
- n. Unsafe Building Updates
  - 1403 Dixie Airport Road – Tax Map 157A-A-28- ~~Met with Tom Shrader 4/2/07 to begin legal proceedings to demolish house. Waiting on Court approval. 7/09/07 Court authorization to demo house.~~
  - 368 Colony Road - Tax Map 160A4-A-126 – ~~met with Tom Shrader 4/2/07 to begin legal proceedings to demolish house..~~ Waiting on Court approval.
  - Lot 4 Morgan Estates - Tax Map 147E-2-4 – ~~I have a letter going out to Mr. Morgan complaining of inactivity. Giving him until May 1 to have the problems corrected. I am having letter delivered by Sgt. Givens 4/13/07. Mrs. Morgan informed Sgt. Givens they were in the~~

process of selling the property. 5/15 New owner in process of closing on property. 7/11/07 – No update. Will check with owner this week.

- 110 Sunset Drive, Madison Heights, Tax Map 160-A-11A – ~~House has been demolished and they are cleaning up the site. 4/10 there were about 2-3 loads left to be hauled. Met with contractor 4/12, he said owners ran out of money for landfill at this time. Hopefully problem will be resolved in the near future. If not addressed soon I will have to finish for them. 6/29/07 – Work completed.~~
- Allen's Creek Road and C&O Lane, Tax Map 116-A-11 – ~~Owner out of country, due back the end of March. Not back as of 4/11/07. Certified letter is being held by the Post Office awaiting his return. 5/7 Certified letter picked up, starting 30 day process. 6/15/07 - Turned over to Tom Shrader to begin legal proceedings to demolish house.~~
- 610 Muddy Branch Road – Tax Map No. 65-A-24 – ~~Letter to Ms. Nelson delivered by Sgt. Givens on March 22, 2007, starting 30 day time limit. Contractor came in 3/29/07 to say he has a contract to demolish house and clean up the property. He asked if he could have until May to get to job due to prior commitments. I agreed since it would be only a week to 10 day extension of her time. 5/17 Contractor came into office to inform me that he will be in Europe until first of June and this house is next on his schedule. Permit issued 6/14/07. 7/05/07 – Cleaning up around house has begun but house is not down yet.~~
- 489 Colony Road – Tax Map 160-A-51 – ~~3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. Letter to be delivered by Sgt. Givens 4/13/07. Deputy John Greisser is grandson of owner and handles all her affairs. He call m on 4/18/07 saying he will tear house down as soon as possible. He is in the last stages of building a new house so that might slow him down a little but I am willing to work with him within reason. 5/18 Deputy Greisser came to office to talk about permit. Almost finished with his house and getting married early June. Has contacted people to demo house. 7/11/07 – Permit issued for demolition and house will be removed when he gets back from honeymoon.~~
- Sunset Drive (no address) – Tax Map 160-A-43 – ~~3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. Letter to be delivered by Sgt. Givens 4/13/07. Mr. Chumbley (83 years old & fixed income) called 4/18/07. He is not able to demolish house right now, has to talk with sisters. Will talk with me again when I get back from vacation about options available. Have met with Mr. Chumbley and am waiting to hear from Gary Roakes as to whether or not fire departments will use it for training exercise. 6/15/07 – Turned over to Tom Shrader for legal proceedings to demolish home. 7/05/07, 7/06/07 & 7/09/07 – Talked with Mr. Chumbley. He is going to contact someone to demolish house since Public Safety deceived they could not use it for training. 7/10/07 – Had two contractors contact me about demolishing the house and what the County is requiring.~~
- Riverville Road (no address) - Tax Map ? – ~~3/26/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. There is some confusion over the tax map # & owner. I am doing research trying to find the owner. So far the Commissioner of the Revenue, Planning & Zoning, Public Safety and I have not been able to pinpoint the exact location of the map. I should be able to devote more time Thursday or Friday to finding the~~

- ~~owner. I have found owner. Letter to be delivered by Sgt. Givens 4/13/07. Told Sgt. Givens he was not going to do anything, he didn't care what we did. 5/21 Delivered paperwork to County Attorney to start court process.~~
- ~~Next to 164 Church Street – Tax Map 160A3-A-65 – 3/28/07 pictures taken starting process of finding owner(s) and preparing to send letter. House has been placarded. The owner called in after seeing placard. He is looking into finding someone to tear it down for him. Letter to be delivered by Sgt. Givens 4/13/07. Got demolition permit 5/1 – 5/18 house 2/3 down. 6/15/07 – House is gone and area cleaned up.~~
  - 102 Center Street – Tax Map 155D-6(49-53) – 3/28/07 pictures taken, starting process of finding owners(s). Not sure I can cause house to be demolished. House is secure. Porch is falling so I am going to write owner and request porch be rebuilt. If that does not work than I will check with Mr. Shrader on legalities. Letter should go out 4/13/07 requesting owner to fix porch.
  - ~~David Proffitt and I interviewed four (4) candidates for a contractor to demolish houses for the County. Contract awarded to W.E.L. – Completed.~~
- o CIP – ~~review 1<sup>st</sup> meeting in June June 19~~ - August 21, 2007 Agenda.
- p. CVCC – negotiating with property owner ongoing
- q. Animal Shelter Project – ~~waiting for loan closing date from Rural Development.~~ - Bid information on July 17, 2007 Agenda.
- r. Seminole School – Bid information on July 17, 2007 Agenda.
- s. Utility easement Amelon Park – Discussion set for August 21, 2007.
- t. Ordinance amendments:
- a. Towing ordinance – Public Hearing ~~June 19, 2007~~ - July 17, 2007 Agenda.
  - b. Chapter 7 Sec. 7-1 (Public entertainments, auditoriums or arenas) – ~~Public Hearing June 19, 2007~~ – Board discussion July 17, 2007 Agenda.
  - c. Chapter 2 §2-5 (Courthouse Security Fee) – ~~Public Hearing June 19, 2007~~ – Completed.
  - d. Case 2007-10 – Sec. 1203. Preparation of preliminary plat – First Reading – May 1, 2007. Planning & Zoning Departments reviewing with County Attorney.
  - e. Case 2007-11- Sec. 1302.02. Package Plants – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney.
  - f. Case 2007-12- Sec. \_\_\_\_\_. Mass drain fields – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney.
  - g. Case 2007-16 – Article XI. Site Plan Review Requirements – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney.
  - h. Case 2007-17 – Article III. Erosion and Sediment Control – First Reading – May 1, 2007 – Under review of County Attorney. Planning & Zoning Departments reviewing with County Attorney.
  - i. Zoning Case 2007-09 - 703. Limited Residential District R-1 Wireless Communications in R-1 – Being reviewed by County Attorney – Public Hearing July 17, 2007
  - j. ~~Zoning Case 2007-15 – 302. Specific Definitions – Timeshare request by BR Triangle (Set Public Hearing) - Completed, withdrew.~~
  - k. Zoning Case 2007-22 – 704. General Residential District R-2 Multi-family in R-2 (Set Public Hearing). Board discussion July 17, 2007 Agenda.
- u. Land Use revalidation – Public hearing concerning elimination – ~~July 17, 2007~~ – Public Hearing August 21, 2007.
- v. Litter prevention & control ordinance, litter control civil action and litter control officer position (Deferred action until County Attorney reviews and returns report)

- w. Board discussion July 17, 2007 Agenda.  
Residential Rental Inspections – County Attorney to draft ordinance

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

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

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

- 1. Department of Social Services appointment

**XVII. Adjourn**

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: RESOLUTION OF APPRECIATION TO ANNE RICHARDS**

Mr. Vandall presented the following Resolution of Appreciation to Anne Richards for service on the Social Services Board.

**RESOLUTION**

**WHEREAS**, Anne Richards served on the Amherst County Board of Social Services from July 1, 1999 until June 30, 2007; serving as chairman of the Board from July 2005 until June 2006; and

**WHEREAS**, Anne Richards was very supportive of the agency and staff, was resourceful in providing information and technical equipment to promote the mission of the Department.

**WHEREAS**, Anne Richards provided gifts for agency foster children and served as an advocate for low income individuals and families;

**WHEREAS**, Anne Richards displayed exceptional commitment to the responsibilities of her position and willingly and selflessly gave of her time.

**NOW AND THEREFORE BE IT RESOLVED BY THE** Amherst County Board of Supervisors that it hereby thanks and commends Anne Richards for capably and diligently serving on the Amherst County Social Services Board, and her unflinching commitment to make Amherst County a better place for all of us to live.

**IN RE: ANIMAL SHELTER/ADOPTION CENTER**

Popie Martin, Humane Society member met with the Board and expressed appreciation for support in developing a proposed new animal shelter/adoption center and provided a report on current animal shelter operations. Ms. Martin also requested support for a new facility ground breaking ceremony.

There was a consensus to schedule a ground breaking ceremony for September 28, 2007 at the new project site.

**IN RE: SCHOOL BOARD**

John Walker, School Superintendent, met with the Board and provided status report of current school activities.

**IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Mike McCormack, VDOT Resident Engineer, met with the Board and presented information regarding the following topics and answered specific questions of board members:

- Plans for the World Series.
- Sidewalk curb cuts and accessibility.
- Industrial Access Agreement.
- Amelon Road Abandonment.
- Elon Forest Waterline Review.
- Route 151/610 status.

Mr. McCormack proceeded to present information regarding the abandonment of Project 0130-005-F05-RW-202.

On motion of Mr. Albert and with the following vote, the Board of Supervisors approved the following resolution:

**RESOLUTION STATING THE VACATING FOR ABANDONMENT OF A PORTION OF ROUTE 669  
LOCATED IN AMHERST COUNTY, VIRGINIA**

**WHEREAS**, the Virginia Department of Transportation did acquire the necessary right-of-way for the relocation of Route 669 as a result of State Highway Project 0130-005-F05-RW202 and has provided this Board with a sketch revision dated January 29, 2007 depicting the necessary area of abandonment.

**WHEREAS**, a portion of the old road, being identified as Section 1 on the referenced sketch, is deemed to no longer serve public convenience warranting maintenance at public expense; and

**WHEREAS**, the new road serves the same citizens as that portion of the old road identified to be abandoned and that segment no longer serves a public need; and

**NOW, THEREFORE, BE IT RESOLVED**, the Amherst County Board of Supervisors abandons as part of the secondary system of state highways that portion of road identified by the sketch to be abandoned, pursuant to 33.1-155, Code of Virginia;

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the Amherst Residency Administrator for the Virginia Department of Transportation.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: EASEMENTS IN AMELON COMMERCE CENTER**

Mr. Dan French, Service Authority Director, met with the Board and presented a request from the Service Authority Board to adopt proposed easements "A" and "B" in the Amelon Commerce Center and Mr. French stated that he plans to have finalized easement plans for the Board's consideration at their August 21, 2007 meeting.

There was a Board discussion and consensus to direct Mr. French to finalize easement plans for "A" and "B" as presented for their consideration on August 21, 2007.

**IN RE: CITIZEN COMMENTS**

Donald Kidd met with the Board and requested permission to address the Board during the Solid Waste presentation. His request was approved.

Betty Mertz was granted permission to address the Board under citizen comments and requested consideration of addition of sidewalks, curb-cuts and other handicap amenities in the Madison Heights area and presented a petition with 43 names regarding the request.

**IN RE: JUNE MINUTES**

Mr. Albert moved approval of all minutes for June with corrections on pages 895, 898 and 909 of the June 5, 2007 minutes as follows:

- > Page 895 – Line 34 – ***the remaining indebtedness ~~owned~~ (owed)***
- > Page 898 – Line 4 – sp Resolution
- > Page 909 – Line 12 – sp Chairman Vandall

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: COMPREHENSIVE SERVICES ACT**

Gail Taylor met with the Board and provided a report of concerns dated June 29, 2007.

Mr. Vandall moved to direct the County Administrator to draft a letter to the appropriate state agencies/officials to express the Board's concerns with the issues outlined by Ms. Taylor.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: ECONOMIC DEVELOPMENT**

Joe Mullen, Economic Development Director, met with the Board and presented information requesting authorization by the Board of Supervisors to execute documents for reimbursement of expenditures for construction of East and West Progress Lane at Amelon Commerce Center.

Mr. Albert moved to authorize Mr. Mullen to execute documents for reimbursement of expenditures for construction of East and West Progress Lane at Amelon Commerce Center as presented.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: SEC. 7-1. PUBLIC ENTERTAINMENTS, AUDITORIUMS OR ARENAS**

Sara Lu Christian and Teresa Nuckols met with the Board regarding the proposed public entertainment ordinance.

On motion of Mr. Albert and with the following vote, the Board of Supervisors moved adoption of the proposed Chapter 7 public entertainment ordinance as follows from the June 19, 2007 meeting:

Chapter 7  
**LICENSES, PERMITS AND BUSINESS REGULATIONS**

- Art. I. In Generals, §§ 7-1 – 7-20**
- Art. II. General Business License Taxes, §§ 7-21 – 7-90**  
 Div. 1. Generally, §§ 7-21 – 7-35  
 Div. 2. Administration, §§ 7-36 – 7-65  
 Div. 3. Classification of Businesses; License Taxes, §§ 7-66 – 7-90
- Art. III. Itinerant Merchants, Etc., §§ 7-91 – 7-110**
- Art. IV. Bingo Games, §§ 7-111 – 7-135**
- Art. V. Precious Metals and Gems, §§ 7-136 – 7-165**
- Art. VI. Cable Television §§ 7-166 – 7-205**
- Art. VII. Coin-operated Machines, §§ 7-206 – 7-240**
- Art. VIII. Public Dances and Dance Halls, §§ 7-241 – 7-260**
- Art. IX. Communications, §§ 7-261 – 7-300**  
 Div. 1. Generally, §§ 7-261 – 7-280  
 Div. 2. E911 Telephone system, §§ 7-281 – 7-300
- Art. X. Night Fishing Permits, §§ 7-301 – 7-304**

## ARTICLE I. IN GENERAL

### Sec. 7-1. Public entertainments, auditoriums or arenas.

(a) This section is enacted pursuant to Code of Virginia § 15.2-1200 for the purpose of providing necessary regulation for the conduct of musical or entertainment festivals ~~conducted in open spaces not within an enclosed structure~~, and of any gathering or group of individuals for the purpose of listening to or participating in entertainment, including but not limited to musical renditions, ~~conducted in open space not within an enclosed structure~~, in the interest of the public health, safety and welfare of the citizens and inhabitants of the county.

(b) All public entertainments of any kind ~~held outside existing auditoriums or arenas and to which admission is to be charged~~, shall apply and obtain a license from the ~~commissioner of the revenue~~. **Board of Supervisors. This requirement shall not apply to events sponsored by any Board, Agency, or Authority of Amherst County, although the Director of Parks and Recreation shall be notified in advance of all such events.**

**Application for a public entertainment license shall be in writing on forms provided for the purpose and shall be filed in duplicate with the Director of Parks and Recreation at least 60 days before the date of such festival or outdoor entertainment, and at least 21 days prior to a regular meeting of the Board of Supervisors. The application shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article. A copy of the application shall be sent by the Director of Parks and Recreation to the County Administrator and each member of the Board of Supervisors.**

\***Cross references** – Animals, Ch. 3 building regulations, Ch. 4; mobile homes, Ch. 8; motor vehicles and traffic, Ch. 9; recreation, Ch. 12; solid waste, Ch. 13; taxation, Ch. 14; water and sewers, Ch. 15; zoning and subdivisions, App. A; franchises; App. B; waiting period before reapplications, § 2-1; dog license taxes, § 3-17; kennels, § 3-56 et seq; contractor's registration, license, bond, § 4 – 30; refuse collection by private contractors, §13-47; permit to clean septic tanks, §15-4.

**State law references** – License taxes, Code of Virginia, § 58.1-3700 et seq.; professions and occupations, Code of Virginia, § 54.1-100 et seq.; certain premises deemed common nuisance, Code of Virginia, § 18.2-258.

(c) If the entertainment is to be conducted for a period of more than eight (8) hours in any day, the application for the license shall contain the following information:

- (1) The name, and address, **business and cellular phone numbers** of the person sponsoring the entertainment;

- (2) The admission to be charged persons attending the entertainment;
- (3) The names of performers who will entertain;
- (4) ~~The name and address of a licensed physician, together with a signed statement of his willingness to serve, who will be in attendance during the entertainment and capable of rendering first aid to those attending;~~
- (4) Plans, agreed to by the County Fire Marshall, for proper fire protection as set forth in the Statewide Fire Prevention Code.
- (5) An agreement from a recognized first-aid crew or ambulance service that it will be in attendance and ready to transport emergency cases to the nearest medical facility at all times the entertainment is conducted;
- (6) Plans, agreed to by the health officer, for the installation and servicing of sanitary facilities, sufficient to accommodate the number of persons anticipated to attend;
- (7) An agreement from a qualified catering service to provide refreshment to those anticipated to attend;
- (8) **For events to be held on property belonging to Amherst County of any of its Boards, Agencies or Authorities,** A a bond in the penalty of five thousand dollars (\$5,000.00) conditioned to the removal and clearing of the premises so as to leave them in the same condition as they were found and to the execution of the terms of the application;
- (9) Money or securities in the amount of ~~one thousand dollars (\$1,000.00) per day~~ **in the amount of fifty dollars (\$50.00) per day** for each day the entertainment is to be presented shall be collected as a fee for the issuance of the permit. If, for any reason the entertainment is presented for less than the number of days stipulated, the applicant shall be entitled to a refund of the unearned portion of the monies collected.
- (10) Proof of liability insurance in an amount to be deemed adequate by the Board of Supervisors. For events taking place on property owned by Amherst County or any of its Boards, Agencies, or Authorities, Amherst County shall be named as a co-insured;**
- (11) For events scheduled to take place on property owned by Amherst County or any of its Boards, Agencies, or Authorities, payment in advance of per diem rent and supervisory fees, in an amount to be determined from time to time by the Parks, Recreational and Cultural Development Board.**

(d) If no admission is to be charged and the entertainment is not to be conducted for more than five (5) hours, the application for license shall only contain the information as to the sponsor's name, the purpose and the date and time. ~~No fee shall be charged for the issuance of the license.~~

(e) Upon compliance with the terms above, the ~~commissioner of the revenue~~ **Board of Supervisors** shall issue a permit to the applicant for the days designated in the application. **The permit shall be posted conspicuously upon the premises for the duration of the event.**

(f) The premises shall be available to inspection by the county sheriff's department **and department of public safety,** the state police, other law enforcement agencies and the health department.

(g) Failure to obtain the permit or to continue to make available any of the services set forth in the application, shall constitute a misdemeanor, and, on conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for each violation. Nothing in this chapter shall be construed to supersede the provisions of law as to disorderly conduct, public drunkenness or the other criminal laws of the state.

(h) Where a person requesting a permit pursuant to this section, can show that the strict application of all the terms and provisions of this section would cause unnecessary hardship, because conditions or reasons peculiar to the type of entertainment to be presented, and where, in the opinion of the board of supervisors, a variance or departure from the provisions of this section can be made without destroying the intent of this section, and where the board is satisfied that such variation or exception will be in harmony with the intended spirit and purpose of this section and in the interest of the public health, safety and welfare of the citizens and inhabitants of the county, the board may grant an exception or variance from the strict application of all or certain of the terms and provisions of this section. Any variance or exception so authorized shall be in writing and shall set forth the reasons justifying the granting of the variance or exception.

(Ord. of 7-6-70, § A; Ord. of 5-20-03(1))

**Cross reference** - Recreation, Ch. 12.

**State law references** – Disorderly conduct in public places, Code of Virginia, § 18.2-415; public intoxication, Code of Virginia, § 18.2-388.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: 704. GENERAL RESIDENTIAL DISTRICT R-2 THROUGH 906. MULTIFAMILY DEVELOPMENTS**

Jeremy Bryant, Planning Director, met with the Board and presented information regarding proposed amendments to 704. General Residential District R-2 through 906. Multifamily Developments. (Zoning Case 2007-22).

There was a Board consensus that the R-3 Multi family residential district should be renamed high density residential district.

Mr. Albert moved to direct Mr. Bryant to present to the County Attorney for review and advertisement for public hearing at August 21, 2007 meeting.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: ORDINANCE AMENDMENT PROCESS**

Mr. Albert moved to establish the county ordinance amendment process to be (1) first reading; the 2<sup>nd</sup> reading would only take place after review and recommendation by the County Attorney and the third reading would be the public hearing.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: DEMOLITION OF "OLD" SEMINOLE SCHOOL**

The County Purchasing Agent presented the following information regarding the proposed demolition of "old" Seminole School:

Description:

Bids for demolition of the "old" Seminole School Building were opened at 2:00 p.m., July 9, 2007. Two bids were received and were as follows:

Bidder	Base Bid	Bid for Additional Work
W.E.L., Inc.	\$120,250	\$5,975
Counts & Dobyns, Inc.	\$315,175	\$73,500

The base bid includes removal of the building, regarding, compaction, addition of topsoil as needed and seeding. The additional bid amount is for removal of the rear paved area, cross fending and overgrown vegetation up to the property line. This base bid is very similar to the specifications for this project when it was bid in January of 2002 with exceptions; it now includes removal of all non-friable asbestos, lead testing and compaction testing. The bids at that time ranged from 479,000 to 447,000.

There is encumbered funding in the amount of \$208,000 available for this project.

Chairman Vandall read a letter from Lynn Cunningham requested that the Board not proceed with demolition of the Old School Building. There was a Board discussion of the request.

There was a consensus to direct the Purchasing Agent to obtain cost for securing the building and its perimeter and report to them at their August meeting for further consideration.

**IN RE: ANIMAL SHELTER BIDS**

The Purchasing Agent presented the following animal shelter bid results for information.

Descriptions:

Bids for construction of the proposed new Animal Shelter/Adoption Center were opened at 2:00 p.m., July 10, 2007. Results are as follows:

Bidder	Base Bid	Alt. #1
Blair Construction	\$1,869,000	\$96,000
C.L. Lewis	\$1,749,471	\$85,378
Coleman-Adams	\$1,799,000	\$85,000

(Alt. #1 is for an emergency generator)

The original construction cost estimate from 2005 for this project as \$1,669,730, but was revised this spring to be \$2,045,000. Based upon these estimates it is felt that the bids are very competitive. The apparent low bidder is C. L. Lewis.

**IN RE: AMHERST PLANTATION SPEED STUDY**

The Purchasing agent presented bid results for the proposed Amherst Plantation Speed study as directed at the previous Board meeting.

Don Kidd, President of the Amherst Plantation Subdivision, informed the Board that his association did not feel that they should be responsible for the cost.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved to contract with Draper-Aden Assoc. to perform a traffic/speed study for a cost of \$7,000 and to appropriate the necessary funds from the unobligated general fund balance.

AYE: Mr. R. Vandall, Mr. V. Wood and Mr. L. Parrish  
NAY: Mr. J. Albert  
ABSENT: Mr. T. Fore

**IN RE: LITTER PREVENTION AND CONTROL ORDINANCE**

Teresa Nuckols, Solid Waste Director, met with the Board and presented proposed litter prevention and control ordinance as 2<sup>nd</sup> reading.

Mr. Wood moved to direct the County Attorney and Ms. Nuckols to advertise for August 21, 2007 as discussed.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: RESOLUTION TO ADOPT THE ARTICLES OF INCORPORATION AND AUTHORIZATION TO ENTER INTO A USE AGREEMENT TO JOIN THE REGION 2000 SERVICE AUTHORITY**

Ms. Nuckols proceeded to present information regarding the proposed adoption of a resolution to adopt the articles of incorporation and authorization to enter into a use agreement to join the Region 2000 Service Authority.

Bill Hefty, Solid Waste Authority Attorney, was present to answer questions.

Mr. Wood moved to table further consideration until the August 21, 2007 meeting.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: CONVENIENCE CENTERS**

Ms. Nuckols proceeded to present revised construction schedules for the Rt. 635 and Rt. 151 Convenience Centers.

Mr. Vandall moved to direct Ms. Nuckols to proceed with development of the two new convenience center sites as presented.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: LITTER CONTROL OFFICER**

Ms. Nuckols presented a litter control officer job description.

There was a Board discussion and consensus to direct Ms. Nuckols to contact the Sheriff to determine if assistance from that department might be available and to report to them at their August 21, 2007 meeting.

**IN RE: LANDFILL OPERATIONAL SERVICES CONTRACT**

Ms. Nuckols presented information regarding the landfill operation contract as follows:

Landfill operations for an addition year at the rate of \$420,000 based on a one-year contract starting July 1, 2007 and ending June 30, 2008, considering that the county supplies the compactor. Exceeding daily average of 100 tons, then an extra fee will be negotiated at that time. Hourly rates for additional work requested are as follows:

Water truck or tandem dump	\$60 per hour
Tri-axle dump	\$65
963 or D66 loaders	\$110
950 G Caterpillar rubber tire loader	\$120
580 Case backhoe	\$90
D58 dozer	\$110
D75 loader	\$115
200 or 220 excavators	\$120
60 excavator	\$95
Moving equipment to landfill site flat fee	\$250

Mr. Albert moved to approve the one (1) year contract extension for G.E. Jones, Inc. and to appropriate \$20,000 as requested to 85-42080-3015 from the unobligated Solid Waste Fund.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

**IN RE: AN ORDINANCE TO REGULATE ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES AND PARKING**

Mr. Bateman presented information on the ordinance to regulate abandoned, immobilized, unattended and trespassing vehicles and parking.

Mr. Albert moved to adopt the proposed amendment to regulate abandoned, immobilized, unattended and trespassing vehicles and parking as previously advertised for public hearing as follows:

**AN ORDINANCE TO REGULATE ABANDONED, IMMOBILIZED, UNATTENDED AND TRESPASSING VEHICLES, AND PARKING**

**I. ABANDONED VEHICLES**

A. Definitions

As used in this ordinance:

"*Abandoned motor vehicle*" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property, other than an interstate high-way or primary highway, for more than forty-eight hours, or
2. Has remained illegally on public property for more than forty-eight hours, or
3. Has remained for more than forty-eight hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or

person in control of the private property, or

4. Is inoperable, left unattended, or both, on an interstate highway, or
5. Is inoperable, left unattended, or both, on the shoulder of a primary highway.

*"Inoperable abandoned motor vehicle"* means an abandoned motor vehicle which is inoperable and whose fair market value, as determined by the Amherst County Commissioner of Revenue, is less than the cost of its restoration to an operable condition.

#### B. Taking abandoned vehicles into custody

Abandoned vehicles may be taken into custody and disposed of in accordance with this ordinance.

The Amherst County Sheriff, or his designee, may take any abandoned motor vehicle into custody. The Sheriff may employ his own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

#### C. Notice to owner of vehicle taken into custody

The Sheriff, or any designee thereof that takes an abandoned motor vehicle into custody shall, within fifteen days, by registered or certified mail, return receipt requested, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the abandoned motor vehicle; (ii) set forth the location of the facility where it is being held; and (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of the notice after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and interest in the vehicle and (ii) consent to the sale of the abandoned motor vehicle at a public auction.

If records of the Virginia Department of Motor Vehicles contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this ordinance as to any person who cannot be notified pursuant to the foregoing provisions of this section. Notice by publication may contain multiple listings of abandoned motor vehicles. Any notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.

The consequences of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

#### D. Sale of vehicle at public auction; disposition of proceeds

If an abandoned motor vehicle is not reclaimed as provided for in Section I (C) of this ordinance, the Sheriff or his designee shall, notwithstanding the provisions of Va. Code § 46.2-617, sell it at public auction. The purchaser of the motor vehicle shall receive a sales receipt at the auction. From the proceeds of the sale of an abandoned motor vehicle the Sheriff, or his designee, shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section I (C) of this ordinance. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 90 days, and then be deposited into the treasury of Amherst County.

#### E. Disposition of inoperable abandoned vehicles

Notwithstanding any other provisions of this ordinance, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this ordinance may be disposed of to a demolisher, without the title and without the notification procedures, by the person or Amherst County on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the inoperable abandoned motor vehicle shall notify the Virginia Department of Motor Vehicles on forms and in the manner prescribed by the Commissioner of the Virginia Department of Motor Vehicles. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

#### F. Certification of disposal

The Sheriff, or his designee, shall certify to the Commissioner of the Virginia Department of Motor Vehicles on forms provided by the Virginia Department of Motor Vehicles that an inoperable abandoned motor vehicle left on property within Amherst County has been disposed of as provided in Section I (D) of this ordinance, or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the Sheriff, or his designee.

### II. IMMOBILIZED AND UNATTENDED VEHICLES

#### A. Temporary removal and disposition of vehicles involved in accidents

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the Amherst County Sheriff, or his designee, may (i) at no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic or (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Virginia Department of Motor Vehicles and to the owner of the vehicle as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

#### B. Removal and disposition of unattended or immobile vehicles

1. The Amherst County Sheriff, or his designee, may remove for safekeeping, motor vehicles, trailers, semitrailers, or parts thereof to a storage area if:

- a. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
- b. It is illegally parked;
- c. It is left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant;
- d. It is immobilized on a public roadway by weather conditions or other emergency situation.

2. Removal shall be carried out by or under the direction of a law-enforcement officer. Motor vehicles, trailers, semitrailers, and parts thereof shall not be removed from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the Sheriff, or his designee, and Amherst County against any loss or expense incurred by reason of removal, storage, or sale thereof. It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four days without being moved. As promptly as possible, each removal shall be reported to the County Administrator and to the owner of the motor vehicle, trailer, or semi-trailer. Before obtaining possession of the motor vehicle,

trailer, semitrailer, or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Virginia Department of Motor Vehicles against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Sections I (A) through (F) of this ordinance.

#### C. Sale of personal property found in unattended or abandoned vehicles

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semi-trailer may be sold incident to the sale of the vehicle as authorized in this ordinance.

### III. TRESPASSING VEHICLES, PARKING, AND TOWING

#### A. Removal or immobilization of motor vehicles against which there are outstanding parking violations

Any motor vehicle parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within Amherst County or in an adjacent locality designated by the Amherst County Sheriff for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law-enforcement personnel. The removal or immobilization of the vehicle shall be by or under the direction of, an officer or employee of the sheriff's office.

It shall be the duty of the law-enforcement personnel removing or immobilizing the motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law-enforcement personnel.

The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the out-standing parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in Va. Code § 46.2-1213.

#### B. Regulation or prohibition of vehicular traffic on certain privately owned public parking areas and driveways; penalties

1. This section shall be applied to and enforced in a specific center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the Amherst County Sheriff.

2. No person shall drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three or more times within a two-hour period from 6:00 p.m. to 4:00 a.m. Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to shopping centers or other buildings open to the public; or interference with the use of property or conduct

of business in the area adjacent thereto. At every point where a public street or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates "No-Cruising" areas and times.

*"Traffic control point,"* as used in this section, means any point or points within the no-cruising area established by the Amherst County Sheriff for the purpose of monitoring cruising.

No violations shall occur except upon the third passage past the same traffic control point within a two-hour period.

No area shall be designated or posted as a no-cruising area except upon the passage of a resolution by the Board of Supervisors specifically requiring such designation and posting for a particular area.

This section shall not apply to in-service emergency vehicles, taxicabs for hire, buses, and other vehicles being used for business purposes.

Where there is a violation of any provision of this section, a law-enforcement officer shall charge such violation on the uniform traffic summons form. Any person violating the ordinance shall, upon conviction, be subject to a fine of twenty-five dollars.

Any person convicted of a second or subsequent violation of this section may be punished by a fine of not less than \$ 50 nor more than \$ 100 for each succeeding violation.

#### C. Parking, stopping, and standing regulations; presumption as to violation; penalty

The Amherst County Sheriff is hereby designated as the official to administer the provisions of this ordinance. The Sheriff is hereby delegated the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due.

The parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles shall not be prohibited.

Any regulation of parking on an interstate highway or any arterial highway or any extension of an arterial highway shall be subject to the approval of the Commonwealth of Virginia Transportation Commissioner.

In any prosecution charging a violation of this ordinance or regulation promulgated here-under, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Va. Code Chapter 6 (§ 46.2-600 et seq.) of title 46.2, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

#### D. Parking within fifteen feet of, or obstructing fire hydrant; parking over water meters; presumption as to violation

Parking within fifteen feet of any fire hydrant or in any way obstructing a fire hydrant is prohibited.

Parking over top of a water meter or in any way obstructing a water meter is prohibited.

In any prosecution charging a violation of this section or any regulation promulgated pursuant hereto, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Va. Code Chapter 6 (§ 46.2-600 et seq.) of title 46.2, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

#### E. Prohibition of certain parking in streets and highways

1. No person shall park any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

2. Any violation of the provisions of this section shall be a traffic infraction.

#### F. Enforcement provisions

1. Uncontested payment of parking citation penalties shall be collected and accounted for by the Amherst County Treasurer;

2. Contest by any person of any parking citation shall be certified on an appropriate form, to the Amherst County General District Court, by the Treasurer; and

3. The Treasurer shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Every action to collect unpaid parking citation penalties imposed for violation of this ordinance shall be commenced within three years of the date upon which such penalty became delinquent.

#### G. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges

The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including Amherst County, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the non emergency telephone number of the Amherst County Sheriff's Office or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location.

Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the Amherst County Sheriff's Office. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than \$ 100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.

All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent.

Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$ 25, in lieu of towing.

In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The charge for the removal of any boot or device shall not exceed \$ 25. In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have the Amherst County Sheriff, or his designee, issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to Va. Code § 46.2-1220 or § 46.2-1221 to the registered owner of the vehicle.

This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

### **IN RE: ENFORCEMENT OF ZONING VIOLATIONS**

Mr. Bateman presented information on proposed enforcement process of zoning violations.

There was a Board discussion and consensus to direct Mr. Bateman to proceed with the process as outlined:

1. A county official receives a complaint from a citizen regarding a potential violation of one or more sections of the Code of Amherst County. This may include one or more of the following types of violations; unlawful use of land of a structure, inoperable motor vehicles stored on property, abandoned signs, buildings or structures constructed without receiving the necessary permits, erosion and sediment control violations, accumulations or refuse/junk on property, and animals kept in violation of applicable county ordinances.
2. The official receiving the violation will consult with the Zoning Administrator to determine the party responsible for enforcing compliance with the same. All information/documentation regarding the complaint will then be provided to the Zoning Administrator, Building Official, Animal Control Officer, or other county official responsible for enforcing compliance with the relevant section of the Code.
3. If the Zoning Administrator determines that a violation of the zoning and subdivision ordinance, erosion and sediment control ordinance, or inoperable motor vehicle ordinance, exists, he will investigate the violation by conducting a site visit, taking photographs, and filling out an inspection report. If the Zoning Administrator finds that the complaint is valid, he will prepare a violation letter to the owner of the property giving the owner a certain period of time to abate or otherwise correct the violation. A violation file will be created and information regarding the violation will be added to the zoning enforcement log. A copy of this log will be provided to the Board of Supervisors prior to their regular monthly meeting so that the Board is able to track progress on all such violations. The Zoning Administrator will continue to discuss steps that may and/or will be taken to correct the violation with the owner as well as the citizen making the complaint during this period in order to keep them informed about progress being made towards enforcing compliance with the applicable County Ordinance(s).
4. The ordinances mentioned previously allow the County to pursue either criminal or civil penalties against individuals who violate their provisions. If the violation has not been corrected by the deadline specified in the violation letter, or that sufficient progress has not been made by the owner towards abating the violation, the Zoning Administrator will consult

with the County Administrator, Planning Director, and County Attorney to determine whether criminal or civil proceedings should be initiated based upon the following factors:

- Was the owner willing to comply with County Ordinances? Did he/she ever contact the Zoning Administrator to obtain input regarding how the violation could be corrected?
- Did the owner make an attempt to bring his/her property into compliance? Did the owner make reasonable progress towards correcting the violation within the period of time provided?
- Is the owner impoverished or elderly and, therefore, unable to correct the violation within the period of time provided?
- Is the threat of fines insufficient to force the owner to abate the violation in a reasonable amount of time? Is the prospect of jail necessary to compel the owner to correct the violation in a reasonable amount of time?
- What is the best way to enforce compliance within the least amount of time?

Once the Zoning Administrator has obtained input regarding how a particular violation will be prosecuted, he will consult with the County Attorney to obtain a list of court dates on which the County Attorney is able to appear to represent the County. The Zoning Administrator will then arrange to meet with the magistrate to file a complaint and obtain a summons for the accused to appear in Court on the selected date(s). A complete copy of the violation file as well as a certified copy of the relevant section of the Code will be provided to the County Attorney following issuance of the summons. The Zoning Administrator and County Attorney will meet at least once to discuss the case prior to trial and appear in Court on the date scheduled to provide evidence against the accused.

5. If the Court rules against a defendant and orders an owner to abate a violation, the Zoning Administrator will take the necessary steps to ensure the violation has been corrected as well as to initiate further legal proceedings against anyone who violates the court's order.

#### **IN RE: CENTRAL VIRGINIA COMMUNITY SERVICES FY2008 PERFORMANCE CONTRACT**

The County Administrator presented the Community Services FY2008 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services.

On motion of Mr. Parrish and with the following vote, the Board of Supervisors moved acceptance of the proposed Community Services performance contract as presented.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
 NAY: None  
 ABSENT: Mr. T. Fore

#### **IN RE: WORKFORCE INVESTMENT JURISDICTIONS**

The County Administrator presented the following letter to the governor regarding workforce investment jurisdictions for the Board's consideration:

The Honorable Timothy M. Kaine  
 Office of the Governor  
 Patrick Henry Bldg.  
 Executive Office Bldg., 3<sup>rd</sup> Fl.  
 1111 E. Broad St.  
 Richmond, VA 23219

Dear Governor Kaine:

Thank you for your letter of June 5, 2007 discussing a potential reorganization of areas to be served by workforce development organizations. We share your administration's desire to efficiently and effectively identify and meet the workforce needs of the Commonwealth and Region 2000. However, we think that the system here in Region 2000 is working very well and would appreciate your consideration in not changing our workforce development area.

Here in Region 2000 we found that it is advantageous to have common jurisdictional boundaries for many of our regional programs. Regional programs such as economic development, planning district, workforce development, health and mental health services, even the community college services, are all provided by organizations that share a common service area serving the same jurisdictions of Region 2000. The common boundary gives us a significant advantage in creating opportunities for communication and coordination in building and working for common goals.

Because we share a common geographic service area, which is also a freestanding metropolitan statistical area, we are able to better plan and implement workforce development strategies. Our Workforce Investment Board has worked closely with Central Virginia Community College to retain important projects like Work Keys, to implement new grants for training displaced manufacturing employees and to put into action Youth Works, a coordinated regional youth program serving the most challenged young peoples. The WIB has been able to leverage resources from area economic developers to develop electronic marketing materials and websites for employers and job seekers. Together the WIB and Regional Economic Development Council have provided support to the Young Professionals of Central Virginia Council to help them develop the capacity to be a major player in recruiting and retaining young talent to Region 2000. These successes owe partial credit to our fundamental structure where regional groups with differing missions work together to serve their common geographic service area.

The common geographic area gives us the capability to plan and coordinate implementation using existing resources and service delivery groups already in place. For us, changing our WIB area will lose synergies and make planning and coordination more difficult. Because we share common boundaries, the WIB is able to more easily participate in the Virginia's Region 2000 Partnership, a group of six regional organizations committed to working together for better and more cost effective services to the region. We use this Partnership as an important opportunity for both regional strategic planning and for coordinating our existing resources.

This region may be somewhat unique in that Lynchburg has been and continues to be a traditional center of manufacturing, education, medicine and retail for the region. To a great degree, our region meets many of the criteria now under consideration for WIA areas. Both the WIB and the Local Government Council (Planning District Commission) have gone on record encouraging our WIB's boundaries to remain the same.

We recognize that a restructuring of Workforce Investment Areas in other parts of Virginia may make sense, especially in those areas that have multiple WIB's within a single labor market area. However, we believe that our current system for planning and delivering workforce development services is working effectively for us with significant business input, strong coordination among the various regional organizations, and efficient pooling of resources to achieve our shared objectives.

We appreciate your consideration in maintaining the service area of our Workforce Investment Board within the traditional jurisdictions of Region 2000.

Sincerely,

Rodney E. Taylor  
County Administrator

CC: Mr. Gary F. Christie, Executive Director  
Virginia's Region 2000 Local Government Council  
828 Main Street, 12<sup>th</sup> Floor  
Lynchburg, VA 24504

Mr. Vandall moved to direct the County Administrator to draft a letter for his signature on behalf of the Board in support of leaving the current Region 2000 Workforce Investment Jurisdictional boundaries in place.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: PART-TIME MAINTENANCE OR LANDSCAPE CONTRACTOR**

The County Administrator requested that the Board authorize funding for part-time maintenance worker or to contract with landscape contractor and appropriate up to \$2,750 to improve landscape appearance around the Administration Building and other county buildings.

Mr. Parrish moved approval of the County Administrator's request and to appropriate up to \$2,750 from the unobligated general fund balance to the maintenance 2007 budget.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: JACK P. JANETATOS ET AL.V. COUNTY OF AMHERST, ET AL.**

The County Administrator presented a report from Sands Anderson on resolution of the Janetatos/Moore lawsuit.

**IN RE: VOTING RIGHTS ACT**

The County Attorney presented a report as directed at the previous Board meeting for proposed exemption of the county from voting rights act.

**IN RE: BLUE RIDGE REGIONAL JAIL AUTHORITY**

The County Attorney presented information regarding the Blue Ridge Regional Jail Authority Agreement.

There was a consensus to direct the County Attorney to draft a letter of acceptance by the County of the proposed agreement.

**IN RE: APPROPRIATION/TRANSFERS**

On motion of Mr. Wood and with the following vote, the Board of Supervisors approved the following appropriations/transfer requests:

**a. APPROPRIATIONS**

**Board of Supervisors**

# 976

53460 3013	Consultants	\$ 10,000.00
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(Fund 90, GOSAP – to establish budget for GOSAP grant as approved by the Board. No local match. Building Communities – Old Madison Heights)

## Planning Commission

081020	Set up email accounts for Planning Commission Members (6 @ 120.00 + 40.00 annual fee)	\$ 960.00
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## Planning Department

081010 3013	Professional Services (Read, edit Comprehensive Plan for spelling, grammar, punctuation)	\$ 200.00
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081010	Vehicle Insurance (Line item has not been created, no money has been appropriated)	\$ 484.00
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## Sheriff's Department

3102 1013	ACHS Salary	\$ 1,332.44
3102 1010	Comp. Narcotics	373.80

(Pass through revenue deposited with Donnie Wood, Treas.)

## Solid Waste

42080 3015	Trench Operations (Unobligated Solid Waste Fund for one year extension of landfill the Landfill operation contract)	\$ 20,000.00
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## b. TRANSFERS

### Maintenance Department

Transfer from:

43020 5430	Rental Equipment	\$ 600.00
43020 5430	Rental Equipment	130.00
43020 5203	Telecom	60.00
43020 5203	Telecom	40.00
43020 3017	Paint Buildings	3,500.00

Transfer to:

43020 5410	Uniform Rental	\$ 600.00
43020 5501	Travel	130.00
43020 5504	Travel Education	60.00
43020 5804	Misc. Courthouse	40.00
43020 5407	Repair Supplies	3,500.00

(To balance budget lines for 06-07)

Transfer from:

43020 3017	Painting Buildings	\$ 3,000.00
43020 3005	Service Contracts	5,000.00
43020 3005	Service Contracts	2,000.00

## 977

43020	5203	Telecom	200.00
43030	3011	Repair Equipment	2,500.00

Transfer to:

43020	5408	Gas, oil, grease	\$ 3,000.00
43020	7010	Building maintenance	5,000.00
43020	7001	Equipment	2,000.00
43020	7001	Equipment	200.00
43020	3014	Repairs – Auto	2,500.00

(To balance budget lines for 06-07)

### **Amherst County Public Library**

Transfer from:

7301	3002	Professional Service	\$ 1,497.00
7301	5101	Electrical Service	2,334.25
7301	5413	Computer Supplies & Software	1,700.00

Transfer to:

7301	7001	Equipment	\$ 10.00
7301	5401	Office Supplies	487.00
7301	5411	Books & Subscriptions	5,034.25

(Transfers are necessary to cover deficits in above budget lines)

### **Sheriff's Department**

3102	1008	Traffic Enforcement	\$ 1,526.00
3301	5804	Misc/Pre Employment	382.00

(Fine revenue – transfer items into 2006-2007 fiscal year)

Transfer from:

3102	3005	Maintenance SVC	\$ 2,281.00
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Transfer to:

3102	3007	Advertisement	\$ 95.00
3102	5101	Electric	2,150.00
3102	5404	EMS supply	11.00
3102	5801	Dues	25.00

(To cover expenses)

Transfer from:

3102	3005	Maint. SVC	\$ 2,405.00
3301	5203	Telecommunications	1,885.00
3301	5410	Uniform	2,000.00

Transfer to:

3102	5203	Telecommunications	\$ 1,675.00
3301	3004	Jail Repair	820.00
3301	5101	Electric Service	3,565.00

978

3301 5402 Food 230.00  
(To cover year end expenses)

**Jail**

Transfer from:

3102	3002	Prof. SVC	\$ 925.00
3102	3005	Main. SVC	525.00
3102	3016	Rep. Auto Radio	140.00
3102	3160	Janitorial	375.00
3102	5201	Postage	525.00
3102	5308	Liability	1,450.00
3102	5410	Uniform	2,000.00
3102	5504	Travel	300.00
3102	5804	Pre-Employ – Misc	200.00
3102	5805	Training	900.00
3102	7003	Comm. Equip	300.00
3102	3001-400	Health SVC	775.00
3102	5402-400	Canine Supply	400.00

3301	3001	Doctor	\$ 6,700.00
3301	3005	Maint. SVC	1,075.00
3301	3160	Janitorial	275.00
3301	5103	Water-Sewer	1,250.00
3301	5404	Med Supply	125.00
3301	5405	Cleaning	1,650.00
3301	5408	Gas	400.00
3301	5410	Uniform	250.00
3301	5415	Photo	350.00

Transfer to:

3102 3004 Vehicle Repair \$20,890.00  
(To cover year-end expense)

**Jail**

Transfer from:

3301	3005	Maint. SVC	\$ 2,000.00
3301	5103	Water – Sewer	4,000.00
3301	5404	Med. Supply	2,000.00
3301	5405	Clean Supply	755.00

Transfer to:

3301	5101	Electric	\$ 6,000.00
3301	5402	Food	2,500.00
3301	7003	Communications Equip.	255.00

(To cover expenses)

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

**IN RE: CLOSED SESSION**

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

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

§2.2-3711.A.7 – Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and, consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

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

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

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

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood, and Mr. L. Parrish  
NAY: None  
ABSENT: Mr. T. Fore

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

Mr. R. Vandall	AYE
Mr. J. Albert	AYE
Mr. V. Wood	AYE
Mr. L. Parrish	AYE
Mr. T. Fore	ABSENT

**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: ADJOURN**

On motion of Mr. Wood, seconded by Mr. Albert and with the following vote, the Board of Supervisors moved to adjourn.

AYE: Mr. R. Vandall, Mr. J. Albert, Mr. V. Wood and Mr. L. Parrish

NAY: None

ABSENT: Mr. T. Fore

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S. Ray Vandall, Chairman  
Amherst County Board of Supervisors

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Rodney E. Taylor, County Administrator