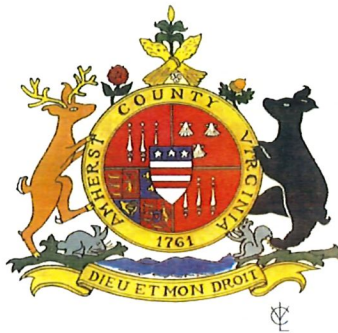


Board of Supervisors

Claudia D. Tucker, Chair
District 2
David W. Pugh, Jr., Vice-Chair
District 4
L. J. Ayers III, Supervisor
District 3
Kenneth M. Campbell, Supervisor
District 1
John A. Marks, Jr., Supervisor
District 5



County Administrator
Dean C. Rodgers

Interim County Attorney
Michael W. S. Lockaby

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

AGENDA

August 1, 2017
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
Informal Luncheon - 12:00 p.m.
Meeting Convened - 1:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Consent Agenda**
 - A. Minutes - June 6, 2017
 - B. Finance - FY17 Appropriation of Revenue - 1) Treasurer
 - C. Finance - FY18 Appropriation of Revenue - 1) Commonwealth Attorney 2) Sheriff's Office
 - D. Human Resources - Agreement with Treasurer regarding Personnel Matters
- VI. Special Presentation**
 - A. Board of Supervisors' presentation of Commemorative Resolution 2017-0005-CR, honoring Garry L. Friend, Amherst County Treasurer
- VII. County Administrator's Report**
 - A. Projects Status Report
 - B. Boards/Commissions/Committees vacancies - Planning Commission vacancies
 - C. County Administrator Changes (CAC) to HR Regulation
 - D. Removing Cloud on Winton Country Club Property
- VIII. Liaison and Committee Reports**
 - A. Go Virginia Region 2 Council Report July 13, 2017
- IX. Departmental Reports**

A. Finance - General Fund Availability

B. Treasurer - June 2017 Report

X. Citizen Comment

XI. Matters from Members of the Board of Supervisors

XII. Adjournment

MINUTES

At a Regular Meeting of the Board of Supervisors of Amherst County, Virginia and held at the Amherst County Administration building thereof on Tuesday, the 1st day of August, 2017, at 1:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Claudia D. Tucker, Chair
David W. Pugh, Jr., Vice-Chair
Kenneth M. Campbell, Supervisor
L. J. Ayers, III, Supervisor
John A. Marks, Jr., Supervisor

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; Attorney Jim H. Guynn, Jr. for absent Interim County Attorney Michael W. S. Lockaby; and Executive Administrative Assistant Regina M. Rice

OTHERS PRESENT: Deputy Commonwealth Attorney Stephen Eubank
Building Official Nathan Young

I. Call to Order

Chair Tucker called the meeting to order at 1:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Ayers and with the following vote, the Board amended the Agenda for August 1, 2017 by moving item VII.C. to the Consent Agenda, and renumbering it as Item E.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

IV. Citizen Comment

Mr. Charlie Moss of Madison Heights, Virginia, addressed the Board regarding the use of the \$100,000 appropriated in County's FY2018 budget for renovations at Winton Country Club. (See Attachment 1)

Mr. Moss said he understood that the money was only to be spent on the Manor House; however, Winton has many facility and capital needs and the Club is not able to sustain Winton until a suitable investor is found. Mr. Moss requested an appeal of the Board's

decision to allow Winton to use those funds for items identified in the June 14, 2017 letter from Winton's President Baxter to County Administrator Rodgers. (See Attachment 2)

Chair Tucker thanked Mr. Moss and asked County Administrator Rodgers to provide the Board with a copy of that motion that had been passed. Chair Tucker stated that Mr. Moss has asked for an appeal of the County Administrator's determination to fulfill the motion and that the Board would take that under consideration.

Mr. Harold Massie of Madison Heights, Virginia, addressed the Board, and thanked Board members for their efforts regarding the future of the Winton property. Mr. Massie said that Winton has a great business potential and he hopes the EDA will have much success in its efforts with the RFP.

Mr. Eldon Cox of Amherst, Virginia, addressed the Board regarding broadband coverage and telephone service in the County. Mr. Cox said there is inadequate internet and cellular phone coverage in certain places in the County and believes it creates an enormous hindrance for people locating to Amherst County. Mr. Cox again asked the Board to redirect their attention to solving this problem.

Chair Tucker thanked Mr. Cox and expressed her frustration and lack of ability to improve broadband. She said she will continue pursue this problem.

Mr. Mark Labadie, Amherst, Virginia, addressed the Board and Mr. Eldon Cox's concern regarding internet access and placing cell towers all over the County, which he is opposed to. He said he has spoken with Verizon and was told the line on his property could be utilized with broadband if fiber optics was brought to that box. Mr. Labadie said the County should resolve this issue in this manner to increase internet and broadband coverage.

Mr. Labadie commented on Winton Country Club expressing his opinion that Amherst County government or any government should not be in the real estate development business. He said the property was gifted to Amherst and it is time for the County to get rid of it.

V. Consent Agenda

- A. Minutes - June 6, 2017
- B. Finance - FY17 Appropriation of Revenue - 1) Treasurer
- C. Finance - FY18 Appropriation of Revenue - 1) Commonwealth Attorney 2) Sheriff's Office
- D. Human Resources - Agreement with Treasurer regarding Personnel Matters
- E. County Administrator Changes (CAC) to HR Regulation

Supervisor Marks asked if the agreement for Mrs. Carden is the same agreement as was the former treasurer. Mr. Rodgers confirmed it was substantively the same agreement with the exception of a few minor changes by the County Attorney.

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda for August 1, 2017 as amended.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

VI. Special Presentation

- A. Board of Supervisors' presentation of Commemorative Resolution 2017-0005-CR, honoring Garry L. Friend, Amherst County Treasurer

The Commemorative Resolution 2017-0005-CR was presented to Mr. Garry Friend by Supervisor Marks.

Chair Tucker thanked Mr. Friend for all of his work and appreciated his service to Amherst County.

VII. County Administrator's Report

A. Projects Status Report

County Administrator Rodgers reported on the following:

- Learning Lane - a notice of award has been issued to the contractor. He is obtaining the required bond.
- County-wide broadband - meetings have been scheduled with Sweet Briar College's new legal counsel and vice-president and he is hopeful to have this resolved if Sweet Briar College can work with the County.
- Phelps Road School - the County's goal is to accomplish two things: 1) get the owner to act responsibly and fulfill requirements of the law. (The owner has not done that and the County is now pursuing that in criminal court through Stephen Eubank, Amherst County Deputy Commonwealth Attorney); and 2) the County has filed in civil court a request for permission to tear down the building with a demolition order from the Judge. The County will then bill the owner for that work and if not paid, the County will place a lien on that property for the cost to demolish it.

Mr. Rodgers advised the owner now desires to sell the property and is in negotiations with a developer who understands the requirements. He said that the County Attorney is working on a performance agreement to make sure the new owner will make the property safe and remove the blight, and the agreement provisions will provide that if the new owner does not fulfill those requirements, the property will be transferred back to the County.

Chair Tucker asked Deputy Commonwealth Attorney Stephen Eubank to provide the Board a legal overview.

Mr. Eubank stated all of this is part of a bigger strategy to clean up Phelps Road School. Ideally the owner would do that himself, and the fines and court dates would keep the pressure on the owner to do what he needed to do. Several matters are now in place: September 12th in General District Court regarding our criminal complaint and September 18th in Circuit Court regarding our civil action to get a demolition order. An appeal of the Judge's first \$2500 fine has now been filed with the Circuit Court. The County will have the flexibility to decide whether to execute the order of demolition depending what kind of progress the owner is making.

Supervisor Marks said if the commitment that was due today with contractor is not satisfied; he would request a follow up by the County Administrator and report back to the Board.

Building Official Nate Young stated that his office will continue to enforce the property maintenance code on Phelps Road School until it reaches compliance.

B. Boards/Commissions/Committees vacancies - Planning Commission vacancies

County Administrator Rodgers stated there are two seats open on the Planning Commission; one for District 1 held by Michael Martineau, and one for the at-large seat held by Lillian Floyd. Ms. Floyd advised she would not be seeking reappointment.

Mr. Rodgers advised that Mr. Martineau submitted a letter of interest for reappointment to the District 1 seat and that Ms. Catherine Gamble submitted a letter of interest for the at-large seat.

Chair Tucker advised she was in favor of moving forward with reappointment of Mr. Martineau to the District 1 seat.

Vice-Chair Pugh said he was also in agreement with reappointing Mr. Martineau.

Chair Tucker requested to extend the advertisement for the at-large seat in order to identify additional interested persons.

By motion of Vice-Chair Pugh and with the following vote, the Board reappointed Michael K. Martineau, District 1 representative to the Planning Commission for a four year term beginning September 1, 2017.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

By motion of Supervisor Marks and with the following vote, the Board directed staff to re-advertise the position to identify additional interested persons for the at-large seat on the Planning Commission.

AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSTAIN: None

~~C. County Administrator Changes (CAC) to HR Regulation~~ - Item was moved to Consent Agenda.

D. Removing Cloud on Winton Country Club Property

County Administrator Rodgers said that the Board had received in a closed session advice from outside counsel regarding Winton and the need to clear up the title and the matter of the trust to eliminate those issues as an impediment for potential developers.

Mr. Rodgers stated the recommendation to the Board is to direct Mr. Darby to proceed with a lawsuit in Circuit Court with the goal of removing or clarifying any impediments to the transfer of title of Winton assets.

Chair Tucker made a motion to direct Mr. Darby to proceed with a lawsuit in Circuit Court with the goal of removing or clarifying any impediments to the transfer of title of Winton assets.

Supervisor Marks stated he would not support the lawsuit regarding Winton Country Club and read his statement:

"Position on Proceeding with a lawsuit in Circuit Court with the goal of removing or clarifying any impediments to the transfer of title of Winton assets.

August 1st, 2017

I do not support the lawsuit regarding the Winton Country Club for several reasons.

- 1. It is my opinion that to proceed with such a lawsuit at this time is unfair to the new Winton Board of Directors. That Board has aggressively pursued enlisting new members and many other programs to increase the club revenue. At a recent BOS meeting Mr.*

Baxter, the club president, spoke to the Board of Supervisors and related some of the actions being taken by the Winton Board to improve the financial situation. One of the positive results was the enlistment of eighty five new members. For the Board of Supervisors to take this legal action at this time so the EDA will "be able to offer the property free of legal constraints" would seem detrimental to the business plan that the Winton Board has developed and certainly not help them in their future efforts.

2. *Since this matter of Winton has been ongoing two attorneys, two law professors and one previous Attorney General has weighed in on the matter and rendered the opinion that Winton is either a trust or a restricted gift. For the County to take the position "there never was a trust established in the first place" seems to me to be a waste of time and taxpayer money".*

Vice-Chair Pugh stated he agreed with Supervisor Marks and would not support the motion.

Chair Tucker restated her motion to direct Mr. Darby to proceed with a lawsuit in Circuit Court with the goal of removing or clarifying any impediments to the transfer of title of Winton assets.

Chair Tucker called for a Roll Call Vote.

Roll Call Vote

Chair Tucker	Aye
Supervisor Marks	Nay
Supervisor Campbell	Aye
Supervisor Ayers	Aye
Vice-Chair Pugh	Nay

The motion passed 3/2.

~~C. County Administrator Changes (CAC) to HR Regulation~~ - Item moved to the Consent Agenda and renumbered as E.

VIII. Liaison and Committee Reports

- A. Go Virginia Region 2 Council Report July 13, 2017

For Board information only.

IX. Departmental Reports

- A. Finance - General Fund Availability
- B. Treasurer - June 2017 Report

For Board information only.

X. Citizen Comment

There was no public comment.

XI. Matters from Members of the Board of Supervisors

Supervisor Marks had no matter to discuss.

Supervisor Campbell had no matter to discuss.

Supervisor Ayers advised he had contacted the family of Roger Lee Floyd regarding naming the bridge that connects Buffalo Springs and Wagon Trail Roads in Amherst County the "The Roger Lee Floyd Bridge". The family has requested the bridge dedication take place on November 12, 2017 at 2:00 p.m.

Mr. Rodgers advised he will contact the American Legion to make arrangements for their presence at the bridge dedication.

Chair Pugh had no matter to discuss.

Chair Tucker mentioned the need to trap feral cats at the Warwick Barn convenience center and placing them at the Animal Shelter.

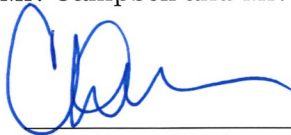
XII. Adjournment

By motion of Supervisor and with the following vote, the Board adjourned at 2:00 p.m.

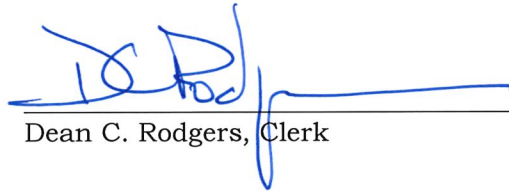
AYE: Mrs. Tucker, Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks

NAY: None

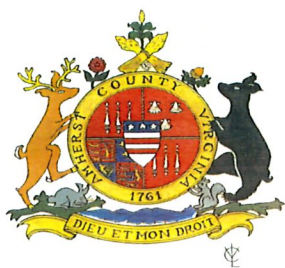
ABSTAIN: None



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Meeting Date: August 1, 2017

ATTACHMENTS



Winton Country Club
599 Patrick Henry Hwy
Amherst, Virginia 24521
Bus. Office: 434.946.5860
Golf Shop: 434.946.7336
Fax: 434.946.2473

August 1, 2017

The Board of Supervisors
Amherst County Virginia
153 Washington Street
Amherst, VA 24521

Madam Chair and Members:

I am writing on behalf of Winton regarding use of the \$100,000 capital improvement fund that was included in the county's FY2018 budget. In a letter dated June 14, 2017, from Winton president Bob Baxter to administrator Rodgers, Winton listed five (5) projects for which we requested approval to proceed using this money. Those projects include replacement of the Banquet Hall roof, replacement of the heat pump systems at the Tavern, and a number of repairs to equipment and wooden structures at the Manor House and Banquet Hall.

We have been advised by Mr. Rodgers that these projects are being disallowed because the money is only to be spent on the Manor House, itself, and not on other buildings or grounds within the Winton property. The purpose of this letter is to respectfully appeal to you to reconsider this decision and allow us use of these funds for the projects that were identified in our letter. We submit the following justifications for your consideration:

1. Replacing the roof on the Banquet Hall was one of the specifically mentioned projects as you deliberated on the FY2018 budget. When the funding was approved, we believe it was clearly intended to be used for the roof project, among other work. We cite the Minutes of your March 21, 2017 meeting, and Attachment 5 thereto, in particular, as evidence of this intent. Also, from those minutes it seems evident, in our opinion, that the use of the term "Manor House" was intended to include the Manor House "complex", part of which was understood to be the Banquet Hall.
2. In the lease agreement between the county and Winton, there are no restrictions on use of county funds for other buildings on the property except for those that are for the sole use of Winton members (of which there are none), and those that are golf course specific – the maintenance shop and bathroom facility at Hole #4 on the course. The Tavern and Banquet Hall, in particular, have always been available for public use, and much of the business generated by Winton to sustain operations are by using those facilities. Of course the lease language is in reference to real estate tax reimbursements, but we feel that any public funds made available to Winton should be consistent with the lease terms, especially since the funds in question are for the same purpose (capital improvement) as the tax reimbursement funds.
3. We wholeheartedly agree that the Manor House should be preserved in good condition as an historic treasure. But the Manor House, by itself, does not provide significantly to Winton's business revenues. Almost all major events at Winton – public, private, corporate, charitable and civic – utilize the Banquet Hall and/or the Tavern. Without the Banquet Hall, the Manor House would not be a suitable venue for most of the key income producing events at Winton.



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4. The Banquet Hall and Tavern, although built and paid for by Winton, are also county property. And as public use facilities, any county funds used for their upkeep obviously benefit county residents and the public in general.
5. Winton supports the preparation of a request for proposals from potential investors who possess the financial means, business model, and operational experience to provided long term stability. We believe Winton will be far more attractive to such an investor if the club is doing better financially. (We have already seen that issue raised by one potential investor). The county can assist with making our performance better, and thereby enhancing our attractiveness to investors, by supporting use of the capital improvement money for the projects we proposed.

It is no secret that the viability of the Winton business model has come under increasing stress. Much has changed over the years in terms of customer demographics and market competition. Your decisions to allocate capital improvement money to Winton, and to allow the proceeds from a timber harvest to be used by Winton for debt reduction and other expenses, are greatly appreciated, and are a boost in terms of recruitment of new members and instilling confidence in the public that they can rely on us to be there when they are scheduling major events. But without the ability to use that money in the key areas where it can support better financial performance, we will continue to struggle to remain viable, and any due diligence by a potential investor will surely raise this concern.

Please be assured that while the county seeks to clear the "cloud" on the title to the Winton property and pursues new investors, the club is doing all it can to survive. As reported before, we adopted aggressive new membership rates; more recently we also formed a social committee chaired by one of our young members to develop events aimed especially at recruiting young families; we are offering very competitive rates for daily greens fees and outside tournaments; and we are attempting to increase our food and beverage revenues by investing in a new chef and menu.

But these efforts notwithstanding, the fact remains that Winton has many facility capital and working capital needs that must be addressed, and the club is not in a position to finance all of these needs. The projects we proposed in our June 14 letter would provide a major assist in the effort to sustain Winton's viability until a suitable investor is identified.

Respectfully submitted,

Charles W (Charlie) Moss Jr
Vice President
Winton Country Club & Golf Course, Inc.



Recommendations for Winton Capital Improvements Work in 2017

HMassie to: dcrodgers

06/15/2017 10:26 AM

Cc: nmyoung

From: HMassie <massiehjr@comcast.net>

To: dcrodgers@countyofamherst.com

Cc: nmyoung@countyofamherst.com

Please respond to HMassie <massiehjr@comcast.net>

1 attachment



Winton Capital Improvements Recommendations_6-14-2017.docx

Dean,

Please find the attached file with our recommendations for capital improvements work at Winton this year. At the top of the list is the leaking roof replacement on the Banquet Hall followed by exterior painting of the Historical Manor House and the wood siding on the Banquet Hall.

A copy of the list has been forwarded via message CC to Nate Young for his review. He is very familiar with the many maintenance issues at Winton and his observations during walk-through inspections have been very helpful in our development of the work list.

Thanks for all your help. I can drop by the county offices at your convenience if we need to discuss any items on the list.

Harold Massie

434 929-1241



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Fax: 434.946.2473

June 14, 2017

Dean Rodgers, County Administrator
153 Washington Street
P.O. Box 390
Amherst, VA 24521

Subject: Recommendations for Winton Capital Improvements

Dear Mr. Rodgers,

The Winton Board of Directors sincerely thanks the Amherst County Board of Directors for the \$100,000 budgeted in 2017 for capital improvements to the county-owned buildings at Winton Country Club.

Based on the joint walk-through inspections of the property and follow-on discussions with you and Nate Young, the county Building Inspector, the Winton Board has developed and recommends the following work, in order of priority, to be done with the capital improvement funds:

1. Replacement of the leaking concrete tile roof on the Winton Manor House Banquet Hall with architectural asphalt shingles.
 - a. Recommended contractor: Lynchburg Roofing, Inc.
 - b. Estimated cost: \$30,800 base cost for removing the concrete tiles and installing asphalt shingles. There may be additional costs for repairs to underlying wood decking and exterior wood trim where leaking has occurred.
 - c. Basis for recommendation: The concrete tile roof is at the end of its 50-year life expectancy. The roof needs to be replaced to protect the building from rainfall and snow water damage. Winton recommends removal of the three front side dormers which have wood damage.
 - d. Winton is evaluating the feasibility of salvaging the concrete tiles as a material for doing repairs to golf cart paths on the golf course.
2. Exterior scraping and painting of all wood siding and windows on the north side of the Historical Manor House and the wood siding and windows of the Banquet Hall. Re-glaze windows as needed. Concurrently, additional painting and repairs as follows:
 - Repair and paint Chippendale wood railing on the back porch of the Banquet Hall;
 - Replace damaged Masonite siding of the Banquet Hall porch roof with Hardiplank material and replace damaged wood trim on the back porch shed roof of the Banquet Hall;

-
- Replace damaged Masonite siding and trim on the exterior front walls and front porch of the Banquet Hall;
 - Repair, replace as needed, and paint exterior vinyl shutters on the Banquet Hall;
 - Replace exterior black wood shutters with vinyl shutters on the back of the Historical Manor House; and
 - Scrape and paint the small section of metal roof on the hallway connector between the Historical Manor House and the Banquet Hall.
- a. Recommended contractor: TK Painting, Inc. of Amherst. Owned by Tammy Knowles, who has done and is presently doing painting and repair work for Amherst County.
 - b. Estimated cost: TBD. We had walk-through discussions with Tammy Knowles on June 8 about the scope of work.
 - c. Basis for recommendation: The items listed need to be done in order to protect the buildings from the weather.
3. Repairing and painting the six French doors and storm doors on the rear side of the Historical Manor House.
- a. Recommended contractor: Don McCarthy, a retired master carpenter and contractor who is a Winton club member.
 - b. Estimated cost: Materials only, estimated to be less than \$1,000, but the Winton Board recommends the county allow the payment of a modest honorarium to Don for performing the work.
 - c. Basis for recommendation: The doors no longer shut and the hardware has failed. Two storm doors having missing glass. The repairs are needed in order to protect the building from the weather.
4. Restore four rotted wooden window sills and replace the four wood frame windows with vinyl clad windows on the north side of the Banquet Hall.
- a. Recommended contractor: Parkway Building and Renovations, Monroe.
 - b. Estimated cost: TBD. Awaiting estimate from Parkway.
 - c. Basis for recommendation: Two window sills are almost completely rotted away and the other two are going fast. The north side receives the worst weather effects. The new vinyl clad windows will be more energy efficient.
5. Replacement of the two split-system HVAC units that serve the upper and lower levels of the Winton Tavern and Historic Building which is occupied by the Pro Shop with new 5-ton, 14 SEER units.
- a. Recommended contractor: TBD but estimates have been obtained from Goin Heating and Air of Madison Heights and Southern Air of Lynchburg. Additional estimates are



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being sought from Bernie Wilson of Monroe and Benny Brooks of Madison Heights. The latter two contractors are expected to be lower than the first two.

- b. Estimated cost: Less than \$13,750.
- c. Basis for recommendation: The two systems are almost 25 years old and are beyond repair. The Tavern has had no working HVAC for over three years and the summer climate conditions inside are nearly intolerable. Replacing these units would restore climate control to the Tavern and greatly help Winton increase its food and beverage revenue. This additional revenue would help Winton buy chemical and fertilizer supplies needed to maintain the golf course in top condition and thereby enhance the county's negotiating position in the upcoming request for proposals through the Economic Development Authority.

If funds remain after completion of the above work, the Winton Board will provide a list to the county of additional maintenance items that need work on the interior of the Historical Manor House and the Banquet Hall. The focus of the first phase of work is to protect the buildings from weather effects.

We look forward to hearing from you and Mr. Young as soon as possible about the approval to proceed with the work outlined in the above recommendations. The Winton Board has contacted Stacey Wilkes, the county Director of Finance, about the proper method for invoicing the above work for payment by the county.

Again, the Winton Board deeply appreciates the capital improvement funds from the county and the superb efforts of Mr. Young to help us identify items needing attention. We promise to do our best to address the deferred maintenance issues at Winton and put these important county-owned assets into much better condition to help with your ongoing RFP efforts.

Harold Massie (434 929-1241) is our Board of Directors point of contact for Winton Building and Grounds.

Sincerely,

Robert L. Baxter Jr.
President, Winton Board of Directors