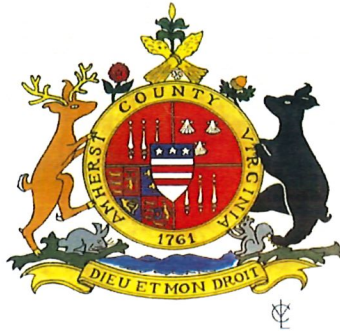


**Board of Supervisors**

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  
November 21, 2017

Administration Building - 153 Washington Street - Public Meeting Room  
Amherst, Virginia 24521  
Meeting - 7:00 p.m.

- I. Call to Order**
- II. Approval of Agenda**
- III. Invocation and Pledge of Allegiance**
- IV. Citizen Comment**
- V. Public Hearing**
  - A. Amherst County Comprehensive Plan
- Consent Agenda**
  - A. Minutes - October 17, 2017
  - B. Sheriff - Appropriation Request
  - C. Commonwealth Attorney - Appropriation Request
- VI. County Administrator's Report**
  - A. County Fair
  - B. Legislative Liaison for CVTC
- VII. Liaison and Committee Reports**
- VIII. Departmental Reports**
  - A. September 2017 Monthly Treasure Report
  - B. Building Safety and Inspection Report October 2017
- IX. Citizen Comment**
- X. Matters from Members of the Board of Supervisors**
- XI. Adjournment**

## **MINUTES**

At a Regular Meeting of the Amherst County Board of Supervisors and held at the Amherst County Administration building, Amherst, Virginia, thereof on Tuesday, the 21<sup>st</sup> day of November 2017, at 7:00 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
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STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; Interim County Attorney Michael W. S. Lockaby; and Executive Administrative Assistant Regina M. Rice

OTHERS PRESENT: Planning/Zoning Director Jeremy Bryant

### **I. Call to Order**

Chair Tucker called the meeting to order at 7:00 p.m.

Chair Tucker informed the Board of an amendment to the agenda with Item II. becoming Item III.

### **II. Invocation and Pledge of Allegiance**

Supervisor Marks led the Invocation and Pledge of Allegiance.

### **III. Approval of Agenda**

By motion of Vice-Chair Pugh and with the following vote, the Board approved the agenda as amended.

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

### **IV. Citizen Comment**

There was no public comment.

### **V. Public Hearing**

#### **A. Amherst County Comprehensive Plan**

Planning/Zoning Director Jeremy Bryant presented his report to the Board regarding the revised Comprehensive Plan.

Mr. Bryant said the Planning Commission and Planning Department began working on the plan in January 2017. He explained this was the second major update since the adoption of the Comprehensive Plan in 2007.

Mr. Bryant outlined the proposed modifications that included sections on the process, development and growth trends, community facilities, anticipated growth trends, land use and the mixed use and urban development areas sections.

Mr. Bryant advised the Planning Commission recommended adoption of this plan on November 16, 2017.

Chair Tucker opened the Public Hearing. Chair Tucker reminded citizens to keep their comments to three minutes and to state their name and address.

Mr. Bill Peters of Amherst, Virginia addressed the Board remarking that three minutes was not acceptable.

Chair Tucker explained there is a three minute rule; however, the Chair and Vice-Chair have authority to change that time limit.

Mr. Peters said he is a living witness of the production of the Comprehensive Plan in 2007. He pointed out that the Planning Commission did not produce the Comp Plan but reviewed it. It was produced by the Planning Department and consultants such as VDOT. The Planning Commission then reviewed those results done by the experts.

Mr. Peters stated he is committed to this plan. Virginia Code states that the review and revision of the Comprehensive Plan is at least every five years. Mr. Peters requested that the Comprehensive Plan be reviewed and revised annually.

Mr. Peters said that the designated growth area is an essential protection of the majority of Amherst County, which is primarily rural, and he is committed to keeping this community that way.

Mr. Tom Berry of Amherst, Virginia, addressed the Board as the attorney for the Town of Amherst. He said that the Town has an invested infrastructure of water lines along Route 60 and Kenmore Road. Mr. Berry said it was the Town's intention there would be some middle ground between the Town and the County regarding the Speyer property, and he asked the Board to deny this request.

Mr. Edgar Kinnier of Amherst, Virginia addressed the Board on behalf of the Mr. Calvin Kennon, Chair of the EDA, who was absent. Mr. Kinnier read a statement submitted by Mr. Kennon who urged the Board to deny this designation. **(See Attachment 1)**

Mr. Kinnier addressed the Board, speaking as a citizen and not as a member of EDA Board. He said there could be a possibility for a use of this land for future industrial development by the Town.

Mr. Chad Mooney of Monroe, Virginia addressed the Board on behalf of Ms. Debra Speyer who wishes to place a conservation easement on her 489 acres. He said Ms. Speyer operates a cattle farm, which will promote local business and also be a reinvestment into the community.

Mr. Mooney urged the Board approve the Comprehensive Plan as written with the growth zone designation lifted.

Ms. Wendy Kendrick of Amherst, Virginia, addressed the Board and expressed her support of the Planning Commission's recommendation and to accept the removal of the Speyer property from the designated land growth.

Mr. Peter Huber, Interim Amherst Town Manager, addressed the Board and read a statement asking that the Board to deny this request. **(See Attachment 2)**

Ms. Rachel Carden of Amherst, Virginia, addressed the Board as a member of the Amherst Town Council. Ms. Carden stated the Town made an investment with placement of water lines that currently service some Town customers. Ms. Carden asked the Board to remove the growth area boundary and to look for a solution that will replace this area with a comparable amount of land where the Town cannot be land-locked for future growth.

Ms. Donna deSanchez of Amherst, Virginia, addressed the Board and asked that the Board think carefully before overruling a private property owner's property rights. She said the County does not have enough water in the designated growth area to support growth. She said it would be an amenity that the surrounding land around Ms. Speyer's property becomes a protected green space.

Mr. Jeet Newman addressed the Board and said his land abuts Ms. Speyer's property. He expressed his support that the Board accept this plan according to Ms. Speyer's wishes, which will be an asset to Amherst County.

Mr. Duncan Augustine of Amherst, Virginia addressed the Board and explained he has a piece of property in Amherst County under a conservation easement. He said he entered into a contract with the easement holder who does not have any control over his land. He agreed to this contract that outlines only certain restrictions addressing land development and footprints. He clarified that the government does not have control over his property.

Mr. Keith Kendrick of Amherst, Virginia addressed the Board and expressed his support for Ms. Speyer's easement, which will mitigate urban sprawl and protect the "gateway" for folks driving along Route 60 West.

Mr. Bob Hopkins of Madison Heights, Virginia addressed the Board and said he has seen a lot of economic growth that was not controlled while living in Lancaster, Pennsylvania. Mr. Hopkins applauded the County for having a Comprehensive Plan and would hate to see the sprawl that he has seen in other places.

Ms. Janice Augustine of Amherst, Virginia, addressed the Board and stated the Board should accept that this as a "gift" and take the Planning Commission's advice and remove Ms. Speyer's property from the growth zone.

Ms. Debra Speyer of Amherst County, Virginia addressed the Board and stated that this property was on the market for 15 years and the property owner had tried to sell it to the Town.

Ms. Speyer said she will be bringing a cattle business onto the property and wants to take advantage of the tax credit. She said she would like to continue to grow her business and to bring agri-tourism to this area that has much potential. She is looking forward to having a long term relationship with Amherst County.

Chair Tucker closed the Public Hearing.

Chair Tucker commented that this area is in her district and she has talked to a number of people for and against this. She commended Vice-Chair Pugh for his dedication as the liaison on the Planning Commission and being very informed on this issue.

Vice-Chair Pugh said he supported this is as a gift of 489 acres of land that would be saved from being paved over and supported Ms. Speyer's request.

Chair Tucker understood the Town's investment and potential future growth. She believed there may be other areas of opportunities for the Town and mentioned land on Route 60 East that would be worth pursuing where water and sewer were already in place.

Chair Tucker said one consideration coming to us is to take a portion of that land and keep it in the growth sector, approximately 38%.

Supervisor Marks commented that Ms. Speyer does not have to develop her property.

Vice-Chair Pugh said that Ms. Speyer wanted to remove her land out of the designated growth zone. The maps in the Comprehensive Plan also removed land to the land west of the Town of Amherst, Monitor Road and along Kenmore Road. Vice-Chair Pugh said the rest of the 62% can be available for growth and to make sure that part is not removed.

Mr. Bryant said explained that leaving the growth boundary intact north of Route 60 and south of Kenmore Road everything between Kenmore Road and Route 60 West would represent approximately 38% of the growth space.

Chair Tucker stated this would not impact Ms. Speyer's ability to farm or pursue her business.

Mr. Bryant remarked that this proposal would not impact Ms. Speyer's property.

Chair Tucker said that the Board would do everything to assure that the relationship between the Town and County is solid.

Chair Tucker read the amendment as to what was discussed early regarding the growth boundaries.

By motion of Chair Tucker and with the following vote, the Board moved that the growth area west of town that was removed by the Planning Commission be restored, except for the area between Kenmore Road and the Lexington Turnpike, as depicted on the map presented by Mr. Bryant.

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

By motion of Supervisor Campbell and with the following vote, the Board approved the Amherst County Comprehensive Plan presented by the Amherst County Planning Commission, as modified.

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

#### **VI. Consent Agenda**

- A. Minutes - October 17, 2017
- B. Sheriff - Appropriation Request
- C. Commonwealth Attorney - Appropriation Request

By motion of Supervisor Marks and with the following vote, the Board approved the Consent Agenda for November 21, 2017.

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

NAY: None  
ABSTAIN: None

**VII. County Administrator's Report**

**A. County Fair**

County Administrator Rodgers addressed the Board with regard to holding a County Fair on the campus of Sweet Briar College. He has spoken with President Woo and she has offered Sweet Briar's campus to serve as the venue for the County the weekend of August 25<sup>th</sup>.

Mr. Rodgers explained he met with folks who organized the Bedford County Fair. There would not be a charge for admission or parking; however, the revenue generated would come from booth rental. This would be a 3-day County fair starting late on Friday, all day Saturday and late opening on Sunday.

Mr. Rodgers said it would be necessary to begin planning now and suggested to the Board to commit up to \$60,000 from the general fund for expenses as needed. If the County goes forward with using the Richmond Symphony, the County's contribution would be \$25,000.

Mr. Rodgers said this will be another place to provide more family-oriented events and help Amherst County come together.

Chair Tucker commented on the tremendous amount of enthusiasm she has received.

Mr. Rodgers advised he will produce a team and volunteers to get sponsors. He has asked Vanessa Angus to be the project coordinator.

By motion of Chair Tucker and with the following vote, the Board directed staff to continue planning for a 3-day county fair and that up to \$60,000 be committed from the unobligated general fund as operating funds to cover expenses not covered by revenues generated at the fair.

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

**B. Legislative Liaison for CVTC**

Mr. Rodgers provided the Board with an update on Central Virginia Training Center and the November 27 meeting with the County, the Department of General Services and the Department of Behavioral Health & Developmental Services to unify what the County wants to ask the legislature to do next.

Mr. Rodgers said there is a meeting set with the delegates on December 19 to meet and discuss a variety of options to pursue and to get the Virginia Economic Development Partnership to take this property on as a redevelopment.

Mr. Rodgers provided an update to the Projects Status Report regarding the County-wide Broadband issue. He advised there is a solicitation of proposals to get additional counter proposals that are due December 15, and also soliciting experts to review those proposals. He advised the Selection Committee will need to convene to select an expert firm to help review those proposals.

Supervisor Ayers advised the Board he received communication from Mr. Jim Thompson who has knowledge of communications and has expressed an interest in assisting the County with decisions regarding Broadband.

By motion of Supervisor Ayers and with the following vote, the Board appointed Mr. Jim Thompson to join the selection committee of the Broadband Authority Board.

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

Supervisor Marks inquired about Learning Lane.

Deputy County Administrator David Proffitt advised the project is finished and expects the guardrail work to be completed soon.

**VIII. Liaison and Committee Reports**

**IX. Departmental Reports**

- A. September 2017 Monthly Treasure Report
- B. Building Safety and Inspection Report October 2017

For Board information only

**X. Citizen Comment**

Ms. Donna deSanchez of Amherst, Virginia, addressed the Board and thanked Board members for approving the County Fair and said she has volunteered to help.

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

Supervisor Marks had no matter to discuss.

Supervisor Campbell reported he received phone calls from citizens regarding the Galt's Mill dumpster site and what they want. He received additional comments from those citizens asking that they benefit from broadband service to that area of the County, which has poor cell phone service.

Supervisor Ayers had no matter to discuss.

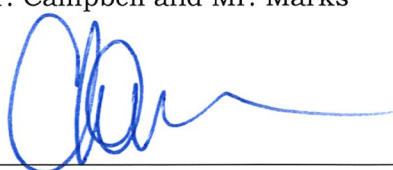
Vice-Chair Pugh had no matter to discuss.

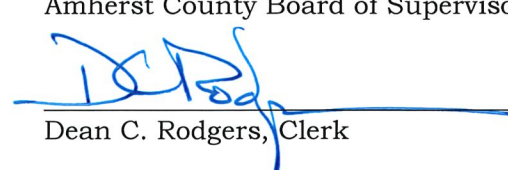
Chair Tucker had no matter to discuss.

**XII. Adjournment**

By motion of Chair Tucker and with the following vote, the Board adjourned at 8:42 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





July 27, 2017

Amherst County Planning Commission

To Whom It May Concern:

The Economic Development Authority of Amherst County would like to address the issue of the designated growth boundary of the Comprehensive Plan being changed to allow the Speyer land to go into conservation.

The EDA does not support the change for the following reasons:

1. Amherst County wants economic growth, but also wants to preserve its rural spaces. Through careful study and planning, areas were designated as prime for growth because of factors such as proximity to population, major roads, services, and infrastructure. Business and development need infrastructure such as water, sewer, and telecommunications to grow and thrive. The Speyer land is located in a prime spot for future growth and falls between not one, but two, water lines and roads near the Town of Amherst.
2. Water lines are very expensive and take years to install. The Town invested a significant amount of public money and time in these water lines as a result of the County's commitment to this site as a Growth Area in past Comprehensive Plans. The Town was relying on this commitment as it invested to achieve general economic benefit for the area and additional water customers, while understanding that all direct tax benefits would accrue to Amherst County. Withdrawing the Growth Area designation after the Town's investment, which can't be recouped with the requested Comprehensive Plan revision, would undermine the Town's investment and could compromise the currently improving County-Town economic development partnership.
3. The Town has conducted a sewer study on the area and the topography is favorable for potential sewer lines. Though open areas abound in the vicinity of the Town, difficult topography will prevent the extension of costly public sewer service to most properties; and public sewer will be required for most future development. The site in question does not present this obstacle.
4. Ms. Speyer purchased her property when it was in the designated Growth Area. Retention of the Growth Area designation is not the government changing requirements on the property owner. Additionally, not changing the designated Growth Area does not affect Ms. Speyer's ability to use her land for agricultural purposes. Additionally, the property is in the Land-Use taxing category, so County taxes on it are as minimal as possible. The conservation easement will not enhance the ability to carry on with agricultural uses on the property. The change in the Comprehensive Plan and subsequent conservation easement will only result in significant financial benefit to Ms. Speyer, not the citizens of the Town or County.



5. Recent populations studies show Amherst County's population is declining. The EDA wants to help reverse this trend by increasing economic activity. Access to land that has the essential components for development is vital to that effort. Though it may take some time for the property to be developed, it does offer the attributes that will eventually result in economic activity beneficial to the current and future citizens of Amherst County.

Sincerely,



Calvin Kennon  
Chairman, Economic Development Authority of Amherst County

**Comments to the Amherst County Board of Supervisors**  
**Regarding the Revision of the Route 60 West Growth Area Boundary**  
**Tuesday, November 21, 2017**

**ATTACHMENT 2**

I would like to submit the following as to what would and would not be accomplished by the growth area modifications recommended by the Planning Commission.

- ✓ Removing the growth area boundary would not help you get more money for schools. The Composite Index for Amherst County has been increasing as a result of the relative growth you have had in incomes, property values and taxable sales. The Composite Index formula is all relative. Thus, a small change in northern Virginia, Tidewater or Richmond will have far greater impact than all the conservation easements in the County combined.
- ✓ What would be accomplished is that removing the growth area boundary would break an established County land use and economic development commitment. It would break the trust of the Town of Amherst. The growth boundary was established over 10 years ago as a way of defining where growth should occur and where utility lines should be extended. The Town of Amherst counted on this commitment and invested \$1.03 million extending a 12-inch water line to serve this and other properties along Route 60 West. Issues, projects, citizens, administrators, and town managers come and go, but the Town of Amherst and Amherst County are forever joined. This relationship is far more important than any other issue, person or individual request.
- ✓ The financial benefit from any conservation easement is based on the difference between the value of the property with and without development restrictions. The existence of a 12-inch water line in a growth area enhances the development potential of this property. Removing the property from the growth area boundary gives the Speyer's maximum benefit from the Town's investment, undermines the County's commitment to the growth area, and uses a public expense to provide one individual with a financial benefit.
- ✓ Specifically, what you would be doing is granting a special benefit to the Speyer estimated to net between \$392,000 to \$686,000. The Speyer's purchased property with the growth area boundary in place and did not make it a condition of purchase. The comprehensive plan revision does not include any narrative describing a reason for modifying the boundary. Nor are other changes being proposed to any other growth areas. Thus, one can only conclude that modifying the Route 60 West growth area is being done to accommodate this one individual request.
- ✓ What would happen is that the added cost of installing the large water line to serve Route 60 West and Kenmore Road would be wasted. Citizens in and around the Town of Amherst have and will continue to pay a higher water bill in order to support this and other utility improvements. Limiting growth along this line is a detriment to future return on this investment.
- ✓ What would be accomplished is permanent. Once the growth area is modified the Speyer's can immediately put the property in conservation easement. There is no obligation to gift the easement to the County and there are no guarantees that the easement can or would be relocated.

I commend the County for studying ways to become more business friendly. Reducing growth areas, favoring special interests, and breaking faith with the Town of Amherst go in the opposite direction. If the request to remove the Speyer property is granted, then I respectfully request that you honor your word and your commitment to your citizens in and around the Town of Amherst when you set up the growth areas and at least leave the M1 portion, and the remaining 1,833 acres, in the growth area.

Thank you for the opportunity to speak to you this evening.