

Agenda Item VII. A.



Meeting Date: May 16, 2017

Consent Agenda: Minutes - April 18, 2017

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

County Attorney
Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

April 18, 2017
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
7:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Public Hearing**
 - A. FY18 Budget and Capital Improvement Plan (CIP)
 - B. Ordinance No. 2017-0002, adding § 714 to Article VII of Appendix A to the Amherst County Code to establish provisions governing development in areas susceptible to flooding.
 - C. VDOT Secondary System Construction - Six-Year Plan FY18-FY23 and Rural Rustic Priority List
 - D. Riveredge Park Building Lease
- VI. Consent Agenda**
 - A. Minutes - March 21, 2017 and March 29, 2017
 - B. Finance - FY17 Appropriation of Revenue: 1) Electoral Board; 2) Sheriff's Office; 3) Library; 4) Public Safety; 5) Building Inspections; and 6) Finance
 - C. Commemorative Resolution 2017-0002-CR, commemorating and celebrating the service of Ernest N. ("Ernie") Cash to Amherst County.
 - D. Resolution 2017-0015-R, a resolution, expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 96A4 A 121, containing the Amherst County Administration Building.
- VII. New Business**
 - A. County Administrator - Winton Timber Harvest request
 - B. Human Resources - Resolution 2017-0016-R, to provide health insurance coverage for Medicare-eligible retirees and their dependents.

VIII. County Administrator's Report

A. EDA Charter

IX. Liaison and Committee Reports

A. LRTAG - Lynchburg Regional Transportation Advocacy Group - April 4, 2017

X. Departmental Reports

A. Finance - Quarterly Financial Report - March 31, 2017

B. Finance - Finance Department Update

C. Finance - General Fund Availability

XI. Citizen Comment

XII. Matters from Members of the Board of Supervisors

XIII. Adjournment

MINUTES

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 18th day of April, 2017, at 7:00 p.m. at which 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; County Attorney Ellen Bowyer; and Executive Administrative Assistant Regina Rice

OTHERS PRESENT: Planning/Zoning Director Jeremy S. Bryant
Virginia Dept. of Transportation Resident Manager Donald L. Austin, Sr.
Human Resources Coordinator Linda M. Warner

I. Call to Order

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

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Ayers and with the following vote, the Board approved the agenda for April 18, 2017.

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. FY18 Budget and Capital Improvement Plan (CIP)

Chair Tucker opened the Public Hearing for the FY18 Budget and CIP.

Proponents: None

Opponents: None

Chair Tucker closed the Public Hearing.

Chair Tucker expressed her appreciation of the work done by the Finance Director and remarked the budget process was very organized. She said the Board had to make some difficult decisions and she was pleased to announce the Board passed a balanced budget and no tax increase.

Vice-Chair Pugh remarked this was a clean budget process and reiterated Chair Tucker's comments regarding the Finance Director and staff, thanking all for the work that was put into this process.

County Administrator Rodgers advised that resolutions will be prepared for the next meeting for the Board to approve the budget as it has been adopted. **(See Attachment 1)**

B. Ordinance No. 2017-0002, adding § 714 to Article VII of Appendix A to the Amherst County Code to establish provisions governing development in areas susceptible to flooding.

Planning/Zoning Director Bryant presented his report to the Board regarding modification to the County's existing Flood Hazard Overlay District regulations.

Mr. Bryant explained these changes would establish provisions governing development in areas susceptible to flooding. All changes have been reviewed by the Virginia Department of Conservation & Recreation and by the County Attorney.

Mr. Bryant advised that on February 16, 2017, the Planning Commission recommended approval of the ordinance, and on March 7, 2017, the Board of Supervisor reviewed the ordinance as a first reading.

Chair Tucker opened the Public Hearing.

Proponents: None

Opponents: None

Chair Tucker closed the Public Hearing.

By motion of Supervisors Ayers and with the following vote, the Board adopted Ordinance No. 2017-0002. **(See Attachment 2)**

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

NAY: None

ABSTAIN: None

C. VDOT Secondary System Construction - Six-Year Plan FY18-FY23 and Rural Rustic Priority List

Mr. Donald L. Austin, Sr., Resident Manager for VDOT, presented the Virginia Department of Transportation's Secondary System Construction for FY18-F23 and the Rural Rustic Priority List.

Mr. Austin explained the plan and funding for the next six years as well as items listed on the Rural Rustic Priority List.

Chair Tucker opened the Public Hearing.

There were two citizens who spoke regarding the Rural Rustic Priority List for FY18-FY23.

Ms. Karrisa Shrader, 442 Shady Mountain Road, Amherst, Virginia, addressed the Board regarding the Rural Rustic Priority List. Ms. Shrader requested that Shady Mountain Road be moved up on this list due to her concern of the unsafe road conditions. Ms. Shrader provided the Board with four letters supporting her request by residents residing on Shady Mountain Road. (Stacey/Jason Stinnett; James/Patricia Shrader; Granville Shrader; and Ryan/Karissa Shrader)

Mr. Donald Painter, 318 Chestnut Lane, Amherst, Virginia, addressed the Board regarding the Rural Rustic Priority List. Mr. Painter requested that Chestnut Lane be added to the Rural Rustic Priority List.

Chair Tucker closed the Public Hearing.

By motion of Supervisor Marks and with the following vote, the Board approved VDOT's Secondary System Construction plan as presented. **(See Attachment 3)**

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

Mr. Austin advised he would contact both parties concerning their requests.

D. Riveredge Park Building Lease

Deputy County Administrator David Proffitt presented his report to the Board regarding the Riveredge Park Building Lease.

Mr. Proffitt advised he received one proposal from the James River Association, a non-profit association that promotes environmentally friendly use of the river. The James River Association has asked to rent the Riveredge Park Trailhead Building for office space where they would rent canoes and kayaks to the public at the park, and also organize river float trips for groups.

Mr. Proffitt advised the terms of the lease will be for nineteen (19) months beginning June 1 2017 through 2018 at rental rate of \$500 per month.

Mr. Proffitt asked the Board for approval of the lease and to authorize the Chair to sign the same.

Chair Tucker opened the Public Hearing.

Proponents: None
Opponents: None

Chair Tucker closed the Public Hearing.

Chair Tucker asked if the kitchen in the building would be used.

Mr. Proffitt advised it would not be used to prepare or sell food.

Vice-Chair Pugh inquired about janitorial services and utilities at the building.

Mr. Proffitt said the County would provide the paper products, keep the building clean and be responsible for the utilities.

Vice-Chair Pugh was concerned about the liability issue.

County Attorney Bowyer advised if the Riveredge Park building is in control by the James River Association and something would occur while they are managing the building, the County, through the lease that is affording them a space for their business, would not be subjected to any liability.

Supervisor Marks asked about the utilities.

Mr. Proffitt said the utilities would be covered by the Recreation & Parks Department.

Chair Tucker remarked that this would be a positive development for Amherst County. It would be a good use for that building and a partnership with the James River Association.

By motion of Supervisor Campbell and with the following vote, the Board approved the Riveredge Park Trailhead Building Lease and authorized its execution by the Board Chair. **(See Attachment 4)**

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

VI. Consent Agenda

- A. Minutes - March 21, 2017 and March 29, 2017
- B. Finance - FY17 Appropriation of Revenue: 1) Electoral Board; 2) Sheriff's Office; 3) Library; 4) Public Safety; 5) Building Inspections; and 6) Finance
- C. Commemorative Resolution 2017-0002-CR, commemorating and celebrating the service of Ernest N. ("Ernie") Cash to Amherst County. **(See Attachment 5)**

County Attorney Bowyer advised the Commemorative Resolution 2017-0002-CR will be scheduled for presentation to Mr. Cash at the second meeting in May 2017.

- D. Resolution 2017-0015-R, a resolution, expressing the acceptance by the Amherst County Board of Supervisors, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 96A4 A 121, containing the Amherst County Administration Building. **(See Attachment 6)**

By motion of Supervisor Marks and with the following vote, the Board approved the Consent Agenda for April 18, 2017.

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

VII. New Business

- A. County Administrator - Winton Timber Harvest request

County Administrator Rodgers advised the Board of a request by Winton Country Club and Golf Course to selectively harvest timber on the property and to use the revenue from the timber sale for reduction of the facility's operating costs.

Mr. Marvin Tinsley, member of Winton and forester, addressed the Board regarding the potential timber harvest. Mr. Tinsley advised he would select cut the mature trees located on approximately seventy-three (73) acres of timberland on southern and western portion of

Winton, twenty (20) acres in the northwest section of Virginia pine and scattered hardwood, and eight (8) acres of a cedar field that has no commercial value.

Mr. Tinsley said the field work could be completed within a week or two and estimated a preliminary return of \$40,000 for the harvest. Mr. Tinsley confirmed that the large trees surrounding the Manor House would be untouched to preserve the ascetics of the area.

The Board discussed the issue of undertaking a procurement process.

Mr. Rodgers asked if the County, as the landlord, would have to find someone to harvest the timber on the property or could the County allow the tenant to contract it themselves.

County Attorney Bowyer said that the County would have to undertake a procurement process to secure services and suggested the County work in cooperation with Mr. Tinsley to develop this process.

By motion of Supervisor Marks and with the following vote, the Board granted permission to allow the Winton Corporation to harvest the timber and use the proceeds of that revenue to make payments to local companies supplying Winton with fuel, goods and services.

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

B. Human Resources - Resolution 2017-0016-R, to provide health insurance coverage for Medicare-eligible retirees and their dependents.

Human Resources Coordinator Linda Warner reported on the Medicare Advantage 65 with Vision/Dental supplement benefit plan.

Ms. Warner advised The Local Choice offers the Medicare Advantage 65 plan for employees who retire at age 65 with no cost to the County and billed directly to the retiree. This does not affect premiums for the County health care plan or claims.

Ms. Warner said this is an excellent benefit to offer County retirees and does encourage employees to wait until age 65 to retire with no break in health care plan coverage with the County.

By motion of Supervisor Ayers and with the following vote, the Board adopted Resolution 2017-0016-R. **(See Attachment 7)**

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

VIII. County Administrator's Report

A. EDA Charter

County Administrator Rodgers advised the Board that a charter for the EDA has been prepared and the EDA Board has reviewed and agreed to it.

Mr. Rodgers said the charter is ready for approval by the Board of Supervisors and then will be added to the collection of the County's other charters. It does follow the format as other charters and contains the same topics.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted the charter for the EDA and directed it be included in the content of ACR 1-3. **(See Attachment 8)**

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

IX. Liaison and Committee Reports

A. LRTAG - Lynchburg Regional Transportation Advocacy Group - April 4, 2017

For Board information only.

X. Departmental Reports

A. Finance - Quarterly Financial Report - March 31, 2017

B. Finance - Finance Department Update

C. Finance - General Fund Availability

For Board information only.

XI. Citizen Comment

There was no public comment.

XII. Matters from Members of the Board of Supervisors

Supervisor Marks had no matter to discuss.

Supervisor Campbell advised he will not be present at the second meeting in May.

Supervisor Ayers read a statement he prepared regarding Winton Country Club.
(See Attachment 9)

Supervisor Ayers made a motion that the Board relinquish the task of finding a prospective business and/or potential development for the Winton Country Club property, and requested that a resolution be drafted by the first meeting in May 2017, if possible, directing the EDA to be the agent for such purpose for up to a 24-month period.

Supervisor Marks stated that people at Winton have made a request for the County to submit a RFP and said he was not in favor of this motion

Vice-Chair Pugh said the County hired outside legal counsel and time and money has been spent. He understood this was a restricted gift and stated he was not prepared to vote on this, and would not support the motion.

Supervisor Campbell said he was in agreement with the RFP but did not understand why this will work now when the County Administrator has been doing the same and been shut down each time.

Supervisor Marks remarked that a RFP has not been put out, and we do not know what the results are, nor have we talked with the Attorney General or Circuit Court.

Vice-Chair Pugh asked if the EDA was prepared to hire outside counsel to obtain a different opinion of what our legal counsel has said. Vice-Chair Pugh said the County has established a course to go through the Attorney General and Circuit Court in order to relinquish the property and obtain a fair market value on the property. By filing the RFP, it allows the County to say to the Circuit Court that the County has tried to make Winton work. If no one is willing to take this property, the County has a better chance on redevelopment of the property. Vice-Chair Pugh mentioned the obstacle of running a waterline out to Winton and said he agrees with Supervisor Marks.

Supervisor Marks said the Board is being asked to vote on this motion; however, the Board was not aware of the EDA's plan.

Supervisor Ayers said his request for a resolution would outline what is expected of the County and the EDA in locating such businesses. Supervisor Ayers requested a resolution be drafted that directs the EDA become the agent.

Supervisor Marks remarked that the vote was premature and he would like to see a resolution before voting on it.

Chair Tucker said a resolution would be put before the Board at an upcoming meeting.

Roll Call Vote

Supervisor Marks	NAY
Supervisor Campbell	AYE
Supervisor Ayers	AYE
Vice-Chair Pugh	NAY
Supervisor Tucker	AYE

Supervisor Ayers made a second motion that the Board direct the County Administrator to obtain private legal counsel to work with the EDA, its counsel and the Winton Board of Directors in drafting such resolution that would encompass all aspects necessary in securing the future of the Winton property. The retained counsel for the county would represent all legal interests of Amherst County throughout all processes regarding the Winton property and would serve for a period of up to twenty-four (24) months.

Vice-Chair Pugh said he was not in agreement with hiring outside counsel for twenty-four (24) months. He said \$100,000 was appropriated for the purpose of renovations/repairs at Winton including the Manor House; however, prior to this the County did nothing to preserve this treasure.

Supervisor Marks asked what would happen to the current outside counsel and the course of action with that counsel.

Chair Tucker stated there would be no need for current counsel based on Supervisor Ayers' motion.

Roll Call Vote

Supervisor Marks	NAY
Supervisor Campbell	AYE
Supervisor Ayers	AYE
Vice-Chair Pugh	NAY
Supervisor Tucker	AYE

Vice-Chair Pugh commented that Treasurer Garry Friend has announced his retirement effective June 2017. Vice-Chair Pugh remarked on the tremendous job Mr. Friend did during a time of turmoil and the turnaround in the Treasurer's office as well as his service as a Supervisor and the Treasurer. Vice-Chair Pugh said Mr. Friend is a great asset to the County.

Supervisor Campbell made a motion to direct the County Attorney prepare a resolution expressing appreciation of Mr. Friend's service to Amherst County.

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

Chair Tucker advised she has received photos from a constituent of the trash and mess around the open dumpster site located on Route 60 West and Burley Hollow Road.

Mr. Rodgers said he has been in contact with the constituent regarding an option with other people who can help with that site as well as possibly locating another site.

XIII. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned.

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

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

Dean C. Rodgers, Clerk

DRAFT