Agenda Item
VI. A.

Meeting Date: June 20, 2017

Consent Agenda: Minutes - May 16, 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

May 16, 2017
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
7:00 p.m.

DRAFT

I. Call to Order

II. Invocation and Pledge of Allegiance

III. Approval of Agenda

IV. Citizen Comment

V. Special Presentations

A. Presentation of Commemorative Resolution 2017-0002-CR Ernest N. Cash

B. Presentation of Commemorative Resolution 2017-0004-CR Trenton Richie, Jr.

VI. Public Hearing

A. Amendment to the Board's Rules of Procedure

1. Section 1-6. Recording Meeting Proceedings

B. Special Exception 2017-03, request by Fran Paul for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow an educational facility, event venue and a short term tourist rental of a dwelling. The parcel is located at 1656 Thrashers Creek Road and is further identified as tax map number 26-A-10A.

VII. Consent Agenda

A. Minutes - April 18, 2017

B. Finance - FY17 Appropriation of Revenue: 1) Animal Shelter; 2) Commonwealth Attorney; 3) Sheriff's Office; 4) Dept. of Social Services

C. Resolution 2017-0022-R, a resolution, expressing the County's intention to accept deeds to various parcels of real property underlying and surrounding Learning Lane so that Learning Lane may be transferred to the Virginia Department of Transportation for placement into the State secondary road system

VIII. New Business

A. Purchasing - Proposal Evaluations

IX. County Administrator's Report

A. Community Policy & Management Team (CPMT) - appointment of representative

B. Projects Status Report

X. Liaison and Committee Reports

A. Blue Ridge Regional Jail Authority - Board of Directors meeting May 4, 2017

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 16th day of May, 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
L. J. Ayers, III, Supervisor
John A. Marks, Jr., Supervisor

ABSENT: Kenneth M. Campbell, Supervisor

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
Building Official Nate Young

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 amended the Agenda for May 16, 2017 by adding under VII. Consent Agenda, Item D. Learning Lane Plat.

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

IV. Citizen Comment

There was no public comment.

V. Special Presentations

A. Presentation of Commemorative Resolution 2017-0002-CR Ernest N. Cash

Supervisor Marks presented a commemorative resolution to Mr. Ernest Cash and thanked him for his years of service to Amherst County.

B. Presentation of Commemorative Resolution 2017-0004-CR Trenton Richie, Jr.

Chair Tucker presented a commemorative resolution to Mr. Trenton Richie, Jr. and thanked him for his years of service to Amherst County.

VI. Public Hearing

A. Amendment to the Board's Rules of Procedure

1. Section 1-6. Recording Meeting Proceedings

County Attorney Ellen Bowyer advised the Board a public hearing was not required on the adoption of the Board's Rule and Procedures. The placement on the agenda was to incorporate provisions to allow recordation of all public meetings with as little interference as possible to the meeting.

By motion of Supervisor Marks and with the following vote, the Board amended its rules of procedure to allow recording of its public meetings with little interference as possible and in an area designated by the County Administrator.

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

B. Special Exception 2017-03, request by Fran Paul for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow an educational facility, event venue and a short term tourist rental of a dwelling. The parcel is located at 1656 Thrashers Creek Road and is further identified as tax map number 26-A-10A.

Chair Tucker stated that the Board would open the public hearing and reminded attendees of the Board of Supervisors' procedures governing public hearings:

- Ask that all speakers state their name and address, and that they give the Clerk any written materials they wish the Board to consider.
- Limit your comments to three minutes. We have a "stop light" up here and ask that you begin to conclude your comments when the light turns yellow and that you cease commenting when the light is red.
- Please refrain from making any personal references or accusations.

Chair Tucker further stated that Board members would not respond to public questions but could vote to consider issues at future meetings. After the public hearing, no further public comment shall be permitted; however, Board members may direct questions to staff or to speakers.

Chair Tucker asked the audience to please refrain from behavior that would disrupt the meeting.

Chair Tucker advised if a speaker violates these guidelines, she may rule you out of order and ask you to leave the podium or hearing room. If you refuse to comply, you may be expelled from the hearing room.

Chair Tucker opened the Public Hearing.

Planning/Zoning Director Jeremy Bryant addressed the Board and provided his report regarding Special Exception 2017-03 in the A-1 Agriculture District. The applicant, Ms. Fran Paul, has requested three special exception uses; an educational facility; an event venue; and a short term tourist rental of a dwelling.

Mr. Bryant asked that the Board vote on each one the special exceptions by three separate motions.

Mr. Bryant explained the educational facility was constructed as a single family dwelling; the event center was constructed as an outdoor stage with a terrace seating area for special events including ten to twelve concerts per year with artists performing live music, and the use of a yurt for a short term tourist rental dwelling.

Mr. Bryant advised the staff report listed recommended conditions, outlined traffic impact, and requirements for a special exception.

Mr. Bryant said that on April 20, 2017, the Planning Commission made a recommendation for the following three (3) uses:

1. Short Term Tourist Rental of a dwelling. The Planning Commission recommended approval with staff recommended conditions;

2. Educational Facility: The Planning Commission recommended denial; and

3. Event Venue: The Planning Commission recommended denial.

Mr. Bryant advised a number of correspondences and petitions were received and provided to the Board in the Agenda packet.

Supervisor Marks asked about the maximum of two classes per day; how many classes per week; and traffic impact.

Mr. Bryant explained the applicant indicated there would be two classes per day with 20 attendees per class, which would cap out at 40 or less. The structure where the classes would be held was approved as a single family dwelling.

Supervisor Marks asked if a short term tourist dwelling would require a certificate of occupancy.

Building Official Nate Young advised the Board that a short term tourist dwelling would require a certificate of occupancy.

Proponents: The following persons spoke in favor of Special Exception 2017-03:

Fran Paul; Cynthia Frey; Mike Nentwig; Matt Komoroski; Philip Komoroski; Jeffery Cash; Jeff Begeman and Steve Robinson.

Opponents: The following persons spoke in opposition of Special Exception 2017-03:

Suzanne Chambers; John Gatewood; David Martin; Edward Brown; Martha Brown; Barbara Parker; Robert Moses; Jeanette Ciccarello; Ken Gilbert; Anthony Ciccarello; Denise Reed and Keith Kendrick.

DRAFT

Chair Tucker closed the Public Hearing.

Vice-Chair Pugh inquired about certain conditions by the Planning Commission for the short term tourist rental and who would be responsible to see that those conditions are met.

Mr. Bryant advised that a number of those regulations would be the responsibility of Planning and Zoning, the Building Official and the Director of Public Safety. If the short term tourist rental with conditions is approved, it would be part of the zoning permit process and a follow up with the applicant. The short term tourist rental would apply only to the yurt.

Mr. Bryant stated that if a request is denied, the applicant would have a twelve (12) month waiting period before applying again.

Chair Tucker stated there would be three separate motions: the first motion would be on the Event Venue; the second motion would be on the Educational Facility and the third motion on the Short Term Tourist Rental of a Dwelling.

Vice-Chair Pugh made the following motion regarding the Event Venue:

"I would like to make a motion to affirm the Planning Commission's determination to deny the request. I would like to explain why the proposed event venue is <u>not</u> consistent with the Amherst County Comprehensive Plan:

1. Law Enforcement Section of the Comprehensive Plan, a strategy, states: "*Establish and track reasonable response-time targets for law enforcement calls for service.*" The event venue is located on a rural road and is in a remote location that will be difficult for law enforcement to properly serve.
2. The Public Safety Section of the Comprehensive Plan, Goal #1, states: "*Ensure continuous improvement in the delivery of 911 communications to the community and public safety agencies*". Objective #2 states: "*Improve response times.*" The event venue is located on a rural road and is in a remote location that will be difficult public safety to properly serve.
3. Goal #2 of the Transportation Section, states: "*To improve and preserve the safety, efficiency, and aesthetics of all roads*". Thrashers Creek Road is a narrow rural road that cannot handle the increased traffic of an event venue.
4. The Land Use Section, Goal #2, states: "*To promote the preservation and use of open space and encourage viable agricultural and forest land uses to protect the County's natural beauty, rural character, wildlife habitats and water resources.*" By allowing an event venue in a rural area, the rural character would not be preserved.

I believe that the proposed use would have an adverse impact on the character of the neighborhood. The noise generated by an event venue would be detrimental to all neighboring properties. Furthermore, the proposed use will be hazardous and disturbing to existing or future neighboring uses, it will not be adequately served by public facilities or services, the use would be detrimental with excessive public cost to the community due to increased travel times for public safety, law enforcement and other governmental services. The use will also create excessive traffic and noise. Thrashers Creek Road is a rural road that is not appropriate nor designed for an event venue due to its narrowness, steepness and dangerous curves and blind spots. Therefore, I move to *deny* the proposed event venue".

By motion of Vice-Chair Pugh and with the following vote, the Board denied the proposed Event Venue for Special Exception 2017-03.

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

Chair Tucker made the following motion regarding the Educational Facility:

"I would like to make a motion to affirm the Planning Commission's determination to deny the request. I would like to explain why the proposed educational facility is not consistent with the Amherst County Comprehensive Plan:

1. The Law Enforcement Section of the Comprehensive Plan, strategy, states: "*Establish and track reasonable response-time targets for law enforcement calls for service.*" The educational facility is located on a rural road and is in a remote location that will be difficult for law enforcement to properly serve.
2. The Public Safety Section of the Comprehensive Plan, Goal #1, states: "*Ensure continuous improvement in the delivery of 911 communications to the community and public safety agencies*". Objective #2 states: "*Improve response times.*" The educational facility is located on a rural road and is in a remote location that will be difficult public safety to properly serve.
3. Goal #2 of the Transportation Section, states: "*To improve and preserve the safety, efficiency, and aesthetics of all roads*", Thrashers Creek Road is a narrow rural road that cannot handle the increased traffic of an educational facility.
4. The Land Use Section, Goal #2, states: "*To promote the preservation and use of open space and encourage viable agricultural and forest land uses to protect the County's natural beauty, rural character, wildlife habitats and water resources.*" By allowing an educational facility in a rural area, the rural character would not be preserved.

The use of an educational facility in a rural area that is zoned agricultural does not fit the rural character of this area. Furthermore, the proposed use will have adverse impact on the character of the area, it would be hazardous and disturbing to existing or future neighboring uses, it will not be adequately served by public facilities or services, it would be detrimental to the excessive public cost of the community due to increased travel times for public safety, law enforcement and other governmental services. Thrashers Creek Road is a rural road that is not appropriate nor designed for an educational facility due to its narrowness, steepness and dangerous curves and blind spots. Therefore, I move to *deny* the proposed educational facility".

By motion of Chair Tucker and with the following vote, the Board denied the proposed Educational Facility for Special Exception 2017-03.

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

Chair Tucker made the following motion regarding the Short Term Tourist Rental of a Dwelling:

"I would like to make a motion to affirm the Planning Commission recommendation to approve the request. I would like to explain why the proposed short term tourist rental of a dwelling is consistent with the Amherst County Comprehensive Plan:

1. Goal #5 under the Economic Development Section states: "*Promote and expand recreation and tourism opportunities in the County.*" Approval of the request allows the expansion of tourism in Amherst County.
2. Objective #2 under Economic Development Section states: "*Attract new people, skills, and resources to Amherst County.*" Approval of the request facilitates attracting new people to Amherst County.

I also believe that the short term tourist rental of a dwelling fits within the character of the neighborhood. Therefore, I move to *approve* the short term tourist rental of a dwelling with staff's recommended conditions.

1. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
2. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.
3. Building: The structure shall meet the Virginia Statewide Building Code or any other applicable regulations as approved by the Building Official".

Roll Call Vote

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

Chair Tucker stated that according to Robert's Rules of Order, in the event of a tie vote, the motion fails. County Attorney Bowyer affirmed the same.

Chair Tucker closed the Public Hearing.

VII. Consent Agenda

A. Minutes - April 18, 2017

B. Finance - FY17 Appropriation of Revenue: 1) Animal Shelter; 2) Commonwealth Attorney; 3) Sheriff's Office; 4) Dept. of Social Services

C. Resolution 2017-0022-R, a resolution, expressing the County's intention to accept deeds to various parcels of real property underlying and surrounding Learning Lane so that Learning Lane may be transferred to the Virginia Department of Transportation for placement into the State secondary road system. **(See Attachment 1)**

D. Learning Lane Plat

By motion of Chair Tucker and with the following vote, the Board approved the Consent Agenda for May 16, 2017.

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

DRAFT

VIII. New Business

A. Purchasing - Proposal Evaluations

Deputy County Administrator David Proffitt addressed the Board regarding participation in the evaluation of a selection team for County engineering consulting contractors. This is intended to establish a committee to make recommendations.

It was the Board's decision to decline participation on the selection team for County engineering consulting contractors. The Board agreed that staff should review proposals and bring back recommendations to the Board.

IX. County Administrator's Report

County Administrator Rodgers addressed the Board regarding appointment of a representative to the Community Policy & Management Team (CPMT).

Mr. Rodgers explained that CPMT manages foster children in Amherst County and the need to appoint one member of the Board of Supervisors to serve on that team.

Supervisor Marks advised he would be willing to serve on this committee.

By motion of Chair Tucker and with the following vote, the Board appointed John A. Marks, Jr. to serve on the Amherst County Community Policy & Management Team (CPMT)

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

B. Projects Status Report

County Administrator Rodgers said he will begin including in the Projects Status report at the next meeting the broadband issue.

X. Liaison and Committee Reports

A. Blue Ridge Regional Jail Authority - Board of Directors meeting May 4, 2017

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 issue to discuss.

Supervisor Ayers had no issue to discuss.

Vice Chair Pugh said that the first Board meeting falls on July 4th and suggested the Board consider cancelling that meeting.

By motion of Vice-Chair Pugh and with the following vote, the Board cancelled the July 4, 2017 meeting.

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

DRAFT

Chair Tucker remarked she attended a School Board retirement ceremony for teachers who have served in Amherst schools for many years. The first grade class from Amherst Elementary had a presentation and she commended those teachers for all of their hard work. She remarked those teachers are "worth their weight in gold".

XIII. Adjournment

By motion of Vice-Chair Pugh and with the following vote, the Board adjourned.

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

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

Dean C. Rodgers, Clerk

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