

## BOOK 34

## AMHERST COUNTY BOARD OF SUPERVISORS

## AGENDA

December 2, 2014

ADMINISTRATION BUILDING - 153 WASHINGTON STREET - SCHOOL BOARD ROOM  
1:00 P.M.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comments:** Citizens shall speak once to an issue and confine their remarks to the question before the Board. Citizens should avoid repetition insofar as possible and limit their comments to three (3) minutes.
- V. Consent Agenda**
  - A. Minutes – November 4, 2014 and November 18, 2014
  - B. Appropriations
  - C. Planning/Zoning – Kenmore Farm - Department of Historic Resources
- VI. Old Business**
  - A. Building Committee – Recommendations regarding Monelison Public Safety Building
  - B. Staff Space Needs
- VII. New Business**
  - A. Planning/Zoning – Request by Ashley C. Johnson to purchase County property
  - B. CDBG Water and Sewer System, Stumps Hill, Quit Claim Deed
  - C. Engineering Analysis for Goodwin Building
- VIII. County Administrator Reports**
  - A. Offer in Compromise, Pickett's Charge, LLC.
  - B. Virginia Byway Designation – U.S. Route 60 – "Midland Trail"
- IX. County Attorney Report**
  - A. Resolution 2014-0035-R Accepting gift of real property for the Virginia Blue Ridge Railway Trail
- X. Departmental Report**
  - A. Treasurer's Report - Monthly Reports, Delinquent Tax Collections and Account Balances – October 2014
- XI. Citizen Comments**
- XII. Matters from Members of the Board of Supervisors**

**XIII. Closed Session:** Virginia Code § 2.2-3711 (A)(3): Discuss the disposition of publicly-held real property (request by Teresa Dudley)

**XIV. Adjourn**

### **MINUTES**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 2nd day of December, 2014, at 1:00 p.m. at which the following members were present:

#### **BOARD OF SUPERVISORS:**

PRESENT:	Mr. Donald Kidd, Chairman	ABSENT: None
	Mr. David Pugh, Vice-Chairman	
	Mrs. Claudia Tucker, Supervisor	
	Mr. Robert Curd, Supervisor	
	Mr. John Marks, Jr., Supervisor	

STAFF PRESENT: Dean Rodgers, County Administrator, David Proffitt, Deputy County Administrator/Purchasing Agent, Ellen Bowyer, County Attorney, and Regina Rice, Executive Administrative Assistant

Chairman Kidd called the meeting to order. Supervisor Marks gave the Invocation and led the Pledge of Allegiance.

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

Chairman Kidd moved to amend the agenda by adding a closed session, § 2.2-3711(A) (29) of the Code of Virginia, to discuss the award of a public contract involving the expenditure of public funds, specifically the review of two PPEA proposals for the Amherst County Fire & Rescue building project, where discussion in an open session would adversely affect the County's bargaining position or negotiating strategy.

Chairman Kidd moved to amend the agenda by moving items VI. A. and B. and renumbering as Item XIV after the Closed Session; renumbering all agenda items; and adding Item VII. D. Financial Consulting Services under New Business.

Chairman Kidd renumbered the agenda as follows; Item VI. New Business; Item VII. County Administrator Report; Item VIII. County Attorney Report; Item IX. Departmental Reports; Item X. Citizen Comments; Item XI. Matters from Members of the Board of Supervisors; Item XIII. Closed Session.

AYE:	Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks
NAY:	None
ABSENT:	None

### **IV. Citizen Comments**

Chairman Kidd asked if anyone wished to speak, and if so, to please come forward.

No citizens came forward to speak and Chairman Kidd closed the Citizen Comments section.

## **V. Consent Agenda**

### **A. Minutes – November 4, 2014 and November 18, 2014**

Chairman Kidd asked Ms. Rice to identify necessary changes to the November 4, 2014 minutes. Ms. Rice stated she made the following changes to the November 4, 2014 minutes: page 1017 - towing resolution - removed "appreciated" and inserted "expresses the Board's appreciation of," page 1017 - Supervisor Tucker remarked on the need to take care of what we currently have versus building a new space needs and what decisions need to be made,- replaced this sentence to read, Supervisor Tucker remarked on the need to take care of what we currently have versus building a new space and Supervisor Tucker expressed she is fine with a second opinion on the Goodwin Building; however, to entertain building more space concerns her.

### **B. Appropriations – Sheriff's Department**

The Board had no questions or concerns.

### **C. Planning/Zoning – Kenmore Farm - Department of Historic Resources**

Chairman Kidd stated he did not see any issue regarding the Department of Historic Resources nominating Kenmore Farm as a historic property for inclusion on the National Register of Historic Places and the Virginia Landmarks Register. Chairman Kidd asked Jeremy Bryant, Director of Planning and Zoning if the property owners supported the nomination and Mr. Bryant responded in the affirmative.

On motion by Chairman Kidd, and with the following vote, the Board approved all items listed under the Consent Agenda as amended.

AYE:	Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks
NAY:	None
ABSENT:	None

## **VI. New Business**

### **A. Planning/Zoning – Request by Ashley C. Johnson to purchase County property**

Jeremy Bryant, Director of Planning and Zoning presented a report to the Board asking that the Board consider disposition of surplus real property identified as an unused right-of-way within tax map number 160A3. Mr. Bryant advised Ashley C. Johnson owns tax map parcel number 160A3-A-72 that borders the right-of-way, and wishes to purchase it for use as drain fields for her primary residence, as her existing drain fields have failed and connection to the Service Authority's system is cost prohibitive.

Mr. Bryant further advised the Board this matter will come back to board for consideration of sale and a public hearing.

On motion by Supervisor Marks, and with the following vote, the Board recommended to authorize staff to initiate the property disposition process

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

B. CDBG Water and Sewer System, Stumps Hill, Quit Claim Deed

Chairman Kidd advised the Board that a portion of the CDBG Water and Sewer System, Stumps Hill, Quit Claim Deed was addressed at the December 2, 2014 meeting of Amherst County Service Authority. Chairman Kidd advised the issue now before the Board is to authorize transfer of ownership of the above-described utilities to the Service Authority by a resolution.

On motion by Supervisor Curd, and with the following vote, the Board adopted Resolution 2014-0034-R, approving the transfer of any ownership interest held by Amherst County in the water and sewer utilities system in the Stumps Hill Area of the Old Town Madison Heights Community to the Amherst County Service Authority.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

C. Engineering Analysis for Goodwin Building

Mr. Proffitt provided information to the Board regarding AMERESCO's audit of energy improvements to County buildings. Mr. Proffitt advised the Board that Engineered Systems, LLC will provide an analysis for the Goodwin Building to evaluate the HVAC system and prepare a cost estimate to construct recommended improvements for the building.

On motion by Chairman Kidd, and with the following vote, the Board voted to accept the proposal for Engineered Systems, LLC and to appropriate up to \$12,000 from the County's unobligated general fund to cover those costs.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

D. Financial Consulting Services

Mr. David Proffitt, Deputy County Administrator/Purchasing Agent presented information to the Board regarding a proposed contract with Davenport & Company LLC to provide financial advisory services regarding the AMERESCO proposal. Mr. Proffitt advised the Board the County Attorney has reviewed the proposed contract and has recommended contracting at this time only for planning services at a cost of \$15,000.

Supervisor Marks presented a question regarding the cost of \$15,000 and Mr. Rodgers explained to the Board the \$15,000 will just cover Phase 1 (planning services).

Chairman Kidd advised he would like a financial advisor to come in to talk to the Board before moving forward.

Supervisor Pugh stated the Board had prior material prepared by Davenport & Company dated November 16, 2012 and most of the information was already in their book. Mr. Rodgers advised that since Davenport & Company has most of this information, they are ready to move forward by December 16<sup>th</sup>.

Supervisor Tucker was concerned about paying consultants \$15,000 to provide the Board with information that the Board may use or not.

Chairman Kidd advised AMERESCO is pushing for a decision on December 16<sup>th</sup> and it would make good business sense to have a financial advisor on board before obligating the County.

Supervisor Tucker stated the Board was given information by AMERESCO but did not make any decisions. Supervisor Tucker noted costs continue to go up; however, the Board will make the final decision and this can be taken in small sections making it more affordable. Supervisor Tucker further stated she cannot support paying \$15,000 to another consultant.

Supervisor Pugh voiced his concern regarding the contract stipulations. Supervisor Pugh stated the County will have to take the bond or loan out but the savings will pay for the loan. Supervisor Pugh was not clear on the guidelines as to when the loan will be paid back.

Mr. Rodgers advised that the meeting on December 16<sup>th</sup> is to have the Board's questions answered. Mr. Rodgers advised payments do not begin until six months after the construction is complete and the payments are increased as the savings arrive.

Ms. Bowyer stated the contract is dense and she can do an analysis of the contract that may put the Board in a better position to decide how to move forward.

Chairman Kidd remarked this will help and it makes good business sense to have a financial advisor come in to advise what we can do at our own pace.

Supervisor Curd stated that the Board needs to make a decision on AMERESCO and have the financial information to support this. Supervisor Curd stated he was not in favor to spend money for these consultants.

Supervisor Marks stated there are some instances money has to be put upfront especially if we hire a financial advisor.

The Board continued their discussion regarding several options and Mr. Rodgers addressed several questions presented by the Board.

On motion by Supervisor Marks, and with the following vote, the Board voted to authorize staff to execute the proposed Davenport & Company contract, dated November 25, 2014 for Financial Advisory Services, subject to the County Attorney's review and up to \$15,000 from the County's unobligated general fund be appropriated to cover the cost that this involves the planning phase.

AYE:	Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks
NAY:	None
ABSENT:	None

### **VIII. County Administrator Report**



A. Offer in Compromise, Pickett's Charge, LLC.

Mr. Rodgers stated the Board is being offered \$8,000 to release a lien on equipment owed by Antique Building Inc. totaling \$31,424.45.

Lee Cobb of the Economic Development Authority came forward and advised the Board the EDA recommended approval this offer and advised the Board of the possibility of a new company coming to this site and employment of ten people.

Ms. Bowyer noted for the record that the copy of the letter from the Treasurer in the Board's packet is not the correct copy. Ms. Bowyer stated the Board has been supplied a correct copy as a handout and that copies had been provided to the public. Ms. Bowyer advised the Treasurer is not making a recommendation in his letter to the Board; however, the Treasurer does believe a settlement is in the best interests of the County.

On motion by Supervisor Tucker, and with the following vote, the Board voted to accept the offer of Pickett's Charge, LLC to settle the Antique Building Products, Inc. tax liability.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

B. Virginia Byway Designation – U.S. Route 60 – “Midland Trail”

Mr. Rodgers advised VDOT is asking the Board to hold public hearing regarding the designation of Route 60 as a scenic byway. This issue was addressed by Board in 2013 and the Board notified VDOT that they were in support of this designation

Mr. Rodgers advised one concern would be that VDOT could request billboards on the route be removed. VDOT advised it is not their practice to have existing billboards removed but to grandfather in the existing signs.

Mr. Rodgers recommended the Board go forward with a public hearing.

On motion by Supervisor Tucker, and with the following vote, the Board voted to direct staff to request a public hearing so that the question of designation's impact on signage and any other potential issues can be fully addressed.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

**IX. County Attorney Report**A. Resolution 2014-0035-R Accepting gift of real property for the Virginia Blue Ridge Railway Trail

Ms. Bowyer addressed the Board regarding donation of land connected with the Virginia Blue Ridge Railway Trail in Amherst County. The owners of the property, Mr. and Mrs. Stephen C. Martin, have offered to donate a .4 acre and another 1.48 acre for the trail. The conveyance of the property will ensure all property associated with the Trail is owned by the County, and Ms. Bowyer recommended adoption of the resolution.

On motion by Chairman Kidd, and with the following vote the Board adopted Resolution 2014-0035-R accepting gift of real property for the Virginia Blue Ridge Railway Trail.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
 NAY: None  
 ABSENT: None

**X. Departmental Reports**

A. Treasurer's Report - Monthly Reports, Delinquent Tax Collections and Account Balances - October 2014

Chairman Kidd asked the Board if there were any questions on the Treasurer reports and the Board indicated they had no questions.

**XI. Citizen Comments**

Chairman Kidd asked if anyone wished to speak to come forward.

Chairman Kidd closed the citizen comment section.

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

Chairman Kidd asked the Board if there were any matters that the Board members advised there were none.

**XIII. Closed Session:** Virginia Code § 2.2-3711 (A)(3): Discuss the disposition of publicly-held real property (request by Teresa Dudley)

Supervisor Marks moved that the Amherst County Board of Supervisors convene in closed session pursuant to:

§ 2.2-3711 (A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, specifically the real property located at tax map number 155B-1-1B, in response to a request from Teresa Brooks-Dudley, and

§ 2.2-3711(A) (29) of the Code of Virginia to discuss the award of a public contract involving the expenditure of public funds, specifically the review of two PPEA proposals for the Amherst County Fire & Rescue building project, where discussion in an open session would adversely affect the County's bargaining position or negotiating strategy.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Marks, and Mr. Curd  
 NAY: None  
 ABSENT: None

Supervisor Marks moved to come out of closed session was approved with the following vote:

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Marks, and Mr. Curd  
 NAY: None  
 ABSENT: None

**CERTIFICATION OF CLOSED MEETING**

Supervisor Marks moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and

identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mr. Kidd	AYE
Mr. Pugh	AYE
Mrs. Tucker	AYE
Mr. Marks	AYE
Mr. Curd	AYE

Supervisor Marks moved that the County Attorney initiate preparation of an ordinance to place the question of the property transfer to Ms. Dudley before the Board of Supervisors.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Marks, and Mr. Curd

NAY: None

ABSENT: None

Supervisor Marks moved to authorize Bill Gillespie proceed with further negotiations on the proposals for the Fire and Rescue station.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Marks, and Mr. Curd

NAY: None

ABSENT: None

#### **XIV. Old Business**

A. Building Committee – Recommendations regarding Monelison Public Safety Building

B. Staff Space Needs

Mr. Rodgers addressed the Board and stated that since August 2007 the County has been aware of the space needs issue and approximately a 5,000 square feet need for the Department of Social Services. Mr. Bill Gillespie of MRG Consulting was hired to look various space needs. Staff proposed the following to address the space needs issue without requiring additional funds:

Administration Building - add 10,000 sq.ft. extension to north end of the building

Monroe School – move Recreation & Parks to Monroe School

Former Amherst Baptist Church –lease building to nonprofit organization

Parsonage – use for storage

Goodwin Street – replace HVAC

Monelison Fire & Rescue – extend Rescue Squad Building to provide living quarters.

There was a Board discussion and questions presented to Mr. Gillespie.



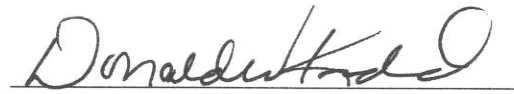
On motion by Supervisor Marks, and with the following vote the Board approve the space needs recommendation by the County Administrator with two exceptions: the provisions relating to the Monelison Public Safety Building are not approved and the lease related to the former Amherst Baptist Church must be approved by the Board prior to execution.

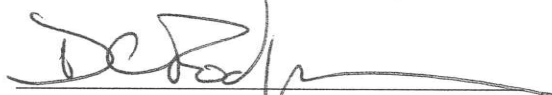
AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Curd and Mr. Marks  
NAY: None  
ABSENT: None

**XV. Adjourn**

On motion by Chairman Kidd and with the following vote, the Board moved to adjourn.

AYE: Mr. Kidd, Mr. Pugh, Mrs. Tucker, Mr. Marks, and Mr. Curd  
NAY: None  
ABSENT: None

  
Donald W. Kidd, Chairman  
Amherst County Board of Supervisors

  
Dean C. Rodgers, Clerk