

BOOK 34

AMHERST COUNTY BOARD OF SUPERVISORS

AGENDA

March 3, 2015

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. Citizen should avoid repetition insofar as possible and limit their comments to three (3) minutes.
- V. Special Presentation**
 - A. Kevin C. Irvin/Amherst Extension Office - 2014 Annual Report
- VI. Consent Agenda**
 - A. Minutes – February 3, 2015
 - B. Appropriations
 - 1. Sheriff's Office
 - a. FY15 Appropriation request (pass-through funds DCJS)
 - b. FY15 Appropriation request (pass-through funds)
 - 2. School Board
 - a. Supplemental Appropriation FY15 School Operational Budget
- VII. New Business**
 - A. Public Safety – FY15 Volunteer Capital Funding Request – New ambulance
 - B. Planning/Zoning – Planning Commission Annual Report 2014
 - C. Recreation and Parks – New boat ramp at Snowden
- VIII. Old Business**
 - A. Budget workshop – anticipated revenue
 - B. Ameresco discussion
- IX. Departmental Reports**
 - A. Treasurer's Report - Monthly Reports, January 2015
- X. Citizen Comments**
- XI. Matters from Members of the Board of Supervisors**

XII. Closed Session

A. Virginia Code § 2.2-3711 (A)(1): To discuss (1) the performance of the County Administrator, and (2) a disciplinary matter involving a County employee.

B. Virginia Code § 2.2-3711 (A)(3): To discuss the disposition of County-owned real property, where discussion in an open meeting would adversely affect the County's bargaining position or negotiating strategy.

XIII. Adjourn**MINUTES**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 3rd day of March, 2015, at 1:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

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

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

I. Call to Order

Chairman Pugh called the meeting to order at 1:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks gave the Invocation and led the Pledge of Allegiance.

III. Approval of Agenda

On motion by Supervisor Marks and with the following vote, the Board voted to approve the March 3, 2015 Agenda.

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

IV. Citizen Comments: Citizens shall speak once to an issue and confine their remarks to the question before the Board. Citizen should avoid repetition insofar as possible and limit their comments to three (3) minutes.

There were no speakers.

Supervisor Tucker stated she needed to leave the meeting briefly at 2:00 p.m. and would like to be present for the Ameresco discussion under Old Business. Chairman Pugh stated the Board would accommodate Supervisor Tucker's request.

V. Special Presentation

A. Kevin C. Irvin/Amherst Extension Office - 2014 Annual Report

Mr. Irvin presented to the Board the 2014 Annual Report on Amherst County and shared some of the programs and outcomes that the office has made in Amherst County.

Mr. Irvin expressed his appreciation of the Board's support and Chairman Pugh thanked Mr. Irvin and expressed the Board's appreciation of the wide range of programs that the Amherst Extension office provides.

VI. Consent Agenda

A. Minutes – February 3, 2015

B. Appropriations

1. Sheriff's Office

- a. FY15 Appropriation request (pass-through funds DCJS)
- b. FY15 Appropriation request (pass-through funds)

2. School Board

- a. Supplemental Appropriation FY15 School Operational Budget

On motion by Supervisor Marks and with the following vote, the Board voted to approve the Consent Agenda for March 3, 2015.

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

VII. New Business

A. Public Safety – FY15 Volunteer Capital Funding Request – New ambulance

Gary Roakes, Director Public Safety, presented to the Board information regarding a request from Amherst Life Saving seeking funds to pay for a new ambulance and to request a reimbursement to their capital funds for \$38,380.

Supervisor Marks commented that the Board is being asked to pay \$38,330 and that taxpayers are paying for these ambulances that the County does not own. Supervisor Marks said he understood that under the articles of incorporation for these organizations their assets do not automatically go back to the County. He thought County citizen taxpayer dollars could only be protected by being a co-owner of this equipment.

Supervisor Marks made a motion to deny the request.

Chairman Pugh stated he understood new vehicles would be co-titled to the County when they come on line.

Mr. Roakes said there was a possibility of changing the articles of incorporations if the Board desired this action and previous Boards discussed co-titling; however, it was never voted on.

Chairman Pugh said in order to receive new capital funding on a new apparatus it should be co-titled with the County and with the volunteer organization.

Mr. Roakes recommended that co-titling should be either effective immediately or effective July 1 for any apparatus purchased.

Supervisor Tucker suggested as we purchase new equipment that it be co-titled and apparently this action was not taken previously. Supervisor Tucker suggested talking with the Emergency Service Council to discuss this issue.

Chairman Pugh suggested placing this as an agenda item regarding vehicle co-titling for the next Emergency Service Council's meeting.

Mr. Roakes stated the Board is putting in a significant amount of money on an annual basis for capital assets and he recommended the Board establish a policy regarding co-titling since no action was taken by previous Boards.

Supervisor Kidd stated he thought this was tied to insurance.

Ms. Bowyer stated the County may end up paying for repairs but insurance proceeds go back to the volunteer organizations.

Mr. Rodgers believed this question was resolved in the MOU for the new Monelison Fire station but that agreement would not take effect until the fire station was built.

Chairman Pugh said if equipment is not co-titled, there is a need for this issue to come back, especially if taxpayers' money is being put into the vehicles.

Supervisor Marks asked Ms. Bowyer if this motion can be tabled until the Board talks to the Emergency Services Council.

Ms. Bowyer advised Supervisor Marks the Board can vote on the motion and renew the request with added background or withdraw the motion but it would not be useful to table the motion because it would have to be dealt with later in this same meeting.

Supervisor Marks made a motion that the Board deny the request for the \$38,380 from the capital appropriation fund.

Aye: Mr. Pugh, Mr. Marks and Mr. Kidd
 Nay: Mrs. Tucker and Mr. Curd
 ABSENT: None

Chairman Pugh said the volunteer organization would get the funding if there was co-titling. Mr. Roakes stated this is a step in the right direction but in relation to this particular request those requirements have not been put in place.

Supervisor Marks stated he would vote in favor of giving the money if the equipment was co-titled.

Chairman Pugh said that if the Emergency Services Council did not elect to have their vehicles co-tilted, they would have to buy their own vehicles. Mr. Roakes stated if they do not elect to co-title, they would have to buy their vehicles outright. Chairman Pugh stated this issue should be on the next agenda of the Emergency Services Council for discussion.

Supervisor Marks asked what the objection to co-titling was and Mr. Roakes explained that the Board had given them money and that the vehicles belong to the department.

Mr. Rodgers understood the reason people not wanting to change; they feel a sense of ownership to their equipment; they believe there is an incentive to taking care of the equipment if they own it and they will donate extra time and labor rather than send out for repairs. The concern is if they do not own the equipment, they will not have the incentive to care for it and, also, they are reluctant to change.

Mr. Rodgers explained that with Ms. Bowyer's assistance, the draft language to the articles of incorporation was prepared to alleviate the need for co-titling; should they dissolve, the vehicles will come back to the County. The dissolution article amendment was to avoid the idea that the County is trying to take away their equipment by forcing co-titling, and that was a method to find another way to accomplish the same thing.

Chairman Pugh stated he is in favor of that and the ultimate goal is to make sure if something does happen to one of the departments, the County would be able to get the equipment back rather than having to purchase new equipment.

Ms. Bowyer stated there are two issues: if the vehicles come back to the County and if the department goes under, do the assets did transfer to County. Ms. Bowyer stated that co-titling use of vehicles by County staff smoothes the issue regarding insurance if there is damage to a vehicle and the County pays for it.

Chairman Pugh said he is in favor of a dissolution clause. Mr. Roakes advised other localities have addressed this same issue and thinks co-titling is the way to go and the articles of incorporation can address this to protect County assets.

Supervisor Kidd asked a question about career staff using this vehicle and being allowed to use this new vehicle. Supervisor Kidd stated he had people tell him the career staff were not being allowed to drive the new vehicles. Mr. Roakes stated this has never been an issue with Amherst Life Saving crew.

Chairman Pugh asked how the Board stands regarding dissolution and co-tiling that Mr. Roakes can bring this issue to the ESC Board.

Supervisor Kidd stated he believes co-titling needs to happen.

Supervisor Marks stated he is in favor of co-titling.

Supervisor Curd stated he is in favor of both co-tilting and dissolution and having something written into the articles of incorporation.

Supervisor Tucker stated there are two separate issues; other assets need to be addressed and, regarding co-titling, she suggested the Board start with a set date in the future and work this out with the Emergency Services Council.

Mr. Roakes agreed with this approach regarding previously purchased equipment and stated the dissolution issue should be addressed.

Chairman Pugh stated this request should be brought back to board to discuss again.

Mr. Roakes said this should come back to the Board but is not in place today when this truck was purchased.

Supervisor Curd stated he thought this was in the budget process and thought it was in the motion and Mr. Roakes stated co-titling was discussed but never decided.

Supervisor Kidd thought it was decided in April last year during the budget discussions.

Supervisor Marks stated the Board voted to take control of \$118,000 capital money that was going to be set aside and it was agreed that before this money was spent someone would have to come before the Board to ask for approval.

Mr. Roakes advised the truck was ordered in November or December 2013 and delivered July 2014. The grant was received and the funding request was made in the FY14 budget.

Chairman Pugh suggested the Board move forward on this matter after the Emergency Services Council had an opportunity at its meeting next Wednesday to discuss this and to see if this issue will be brought back to the Board for further discussion.

B. Planning/Zoning – Planning Commission Annual Report 2014

Jeremy Bryant, Planning Director, presented the Board with the 2014 Planning Commission Annual Report required by the Code of Virginia that summarized actions taken by the Planning Commission during the past year. This report is for informational purposes no action is need.

Chairman Pugh thanked Mr. Bryant for this information.

C. Recreation and Parks – New boat ramp at Snowden

Sara Lu Christian, Recreation and Parks Director introduced Mr. Rob Campbell of the Upper James River Water Trail Committee.

Mr. Campbell addressed the Board stating this is not a new access point but a final access point at Balcony Falls and ending at Snowden. Mr. Campbell provided the Board with a map showing the route.

Mr. Campbell explained this proposal does not seek County funding, he is only asking for the Board's support.

Mr. Rodgers clarified that staff will bring forward a resolution at the next meeting and this issue is to ask for direction to manifest the Board's support.

Supervisor Tucker made a motion directing staff to manifest its support for the Upper James River Water Trail by communicating such to the Committee and the County Administrator will work with staff to bring a resolution forward.

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

NAY: None

ABSENT: None

VIII. Old Business

A. Budget workshop – anticipated revenue

Mr. Rodgers stated the Board has reviewed the capital budget requests, the supplemental requests and O&M budgets.

Mr. Rodgers advised there is a FY16 shortfall with revenues short \$765,689, and advised revenues are \$300,000 more this year. He stated he has not received figures from the state and anticipated having this by the next Board meeting.

Mr. Rodgers explained the school's turn-back is money is rolled back into the general fund and is not added to the next year's budget; however, if added to the budget it would be taken from the general fund as the fiscal year starts with a new budget and new total in the general fund each year. This should not be considered extra money and ideally some money should be left over each year from the County and the School Board.

Mr. Rodgers explained revenues will be down and the shortfall is \$766,000 and the shortfall must be made up by reductions to the budget or a withdrawal from the general fund.

Mr. Rodgers stated this does not include the state contributions and adjustments will be made when those numbers are included.

Supervisor Kidd said we do not have an idea where the revenue shortfall is at and Mr. Rodgers explained there is another \$8 million to collect and the Treasurer could have a better sense of that.

Supervisor Kidd asked about the audit and Mr. Rodgers stated the audit will be available at the next meeting.

Mr. Rodgers asked the Board what government functions needed to be terminated or limited to stay under the projected revenues. He advised he has a working group that will bring back to the Board cuts to programs and any revenue-generating ideas to get some sense what the Board is willing to do.

Supervisor Marks made a suggestion to sit down to grind through this and finalize it.

Supervisor Curd stated he had some questions and was in favor of having another work session to address these questions.

Mr. Rodgers stated he would set up a work session.

Supervisor Kidd stated he was in favor of having a dedicated work session as in the past.

Mr. Rodgers advised he can accommodate this request and have different parties come in and go over their accounts.

Chairman Pugh stated he wanted a work session and to go through all the questions.

Mr. Rodgers explained the audit numbers come from the auditors and is what the general fund consists of and will not change.

Supervisor Marks stated his goal is to not have a tax increase and not to take any money from the unobligated fund.

Mr. Rodgers stated he would set a date for a workshop that would focus on where we are in the current budget in terms of receipts and how the calculations are made.

Supervisor Kidd requested to allot four hours and Mr. Rodgers said a budget work session would be scheduled for March 9, 2015 at 8:00 a.m.

The minutes reflect that Mrs. Tucker left the meeting and was not present during the budget workshop - anticipated revenue discussion

Chairman Pugh called for a five minute break.

Mrs. Tucker returned to the meeting.

Chairman Pugh re-convened the meeting at 2:47 p.m.

B. Ameresco discussion

Chairman Pugh began the discussion and stated the revenue flow appears to be not what was anticipated and the previous numbers regarding Ameresco would need to be adjusted.

Supervisor Kidd stated he spoke with Mr. Morcom at Southern Air to get an estimate on the cost of the 145 ton chiller. Mr. Morcom of Southern Air advised he had done a proposal for Amherst County Middle School in October 2014 and the price was approximately \$204,800. Mr. Morcom stated he would send a copy of this proposal for the same chiller to Supervisor Kidd.

Supervisor Kidd stated if the County can get the job done for less, it is worth looking at a savings comparison of \$204,000 versus \$518,000.

Mr. Rodgers said it is valuable to have additional information and the challenge was the Ameresco contract was a funding vehicle and Ameresco looks for equipment that generates the most energy savings.

Mr. Rodgers stated that the Board does not have a basis of comparison and believes that is part of the cause of the dissention on a way forward.

Mr. Rodgers remarked to Supervisor Kidd's statement that on two occasions we found a cheaper way to do the same work and Mr. Rodgers suggested if the Board wanted to pursue this to save money and he would accommodate this request.

Supervisor Tucker stated the Board was presented with energy savings and there were five companies interviewed and Ameresco was selected. The Board selected this company and now, after the fact, the issue is coming up to do this work cheaper and making it look like a bad decision, which does not sit well with her.

Chairman Pugh stated he took a second look at the revenue stream and realized the County may have to raise taxes in order to pay for the savings associated with this work. He said we could save money on the roofing by doing the work ourselves and would be willing to change his vote to save money by doing this in a different manner.

Supervisor Marks stated he would like to make a motion.

Supervisor Tucker proposed a procedural question to Ms. Bowyer that if there is a motion to reconsider an action taken prior, does it need to happen before Supervisor Marks makes a motion on the business at hand.

Ms. Bowyer stated she was unclear what Supervisor Marks's motion was and Chairman Pugh asked Supervisor Marks to restate his motion.

Chairman Pugh asked Supervisor Marks to restate his motion.

Supervisor Marks restated his motion to cease contract negotiations with Ameresco relative to the Energy Conservation Program and inform Ameresco we have elected to pursue another course of action for county construction projects.

Supervisor Marks made a request to the Board to speak to his motion:

"I make this motion for two reasons. First, I do not believe we can afford to plunge the county to an 18 million dollar debt commitment at this time. Based on the County Administrator's projections we are currently facing a \$1.2 million dollar shortfall for the current budget year and in excess of a \$700,000 shortfall for the projected 2016 budget year, which at this time has not addressed the school budget.

Second, I believe we can handle the necessary improvements to our infrastructure ourselves and save a considerable amount of money for the taxpayers. I believe this has been borne out by the two examples we have before us. On the Goodwin Building the Ameresco cost to repair the HVAC problem was quoted at \$584,786, and the energy savings were miniscule. The cost quoted by Engineering Systems to fix the HVAC problem was \$343,450, a savings of \$241,336. In addition the Engineering Systems solution provided new windows and improvements to the lighting system which paid for itself in several years. But the most stark example involves the

chiller at the Amherst Middle School. The Ameresco quote to solve this situation was \$518,912 installed, which would generate \$249,223 in energy savings over the next 18 years. We now know of a quote from a local company for the same chiller and that quote was for \$204,852 installed, for a savings of \$314,060 up front. In addition, since we are assured that both chillers quoted are the same, we would be paying \$314,060 less and should still achieve the same energy savings of \$249,223. If we look at both of these situations, the Goodwin Street building and the chiller, the total cost savings would have been \$555,396, up front, had we handled it ourselves. That is a 50% reduction and we would still have the benefit of some energy savings. After we resolve the issue with revenue we can move forward with these projects by handling them ourselves.

Based on these facts I believe this board should approve this motion”.

Chairman Pugh asked Mr. Rodgers a question regarding alternatives for the roofs. Mr. Rodgers stated there are four consulting engineering firms on contract and he has asked each one to submit a proposal to do an engineering analysis of all of the work proposed. These firms would look at the list and tell us what is needed, how urgent a problem and provide a schedule to implement those changes. These firms will supply to us additional information they will need from us and come back to us next Friday. They will then produce a proposal and estimate costs of all projects, providing a basis of comparison and selection of a firm to prepare designs and solicitations to put it out to bid.

Mr. Rodgers stated this would not address the funding aspect which is what Ameresco does. The motion on the floor is regarding the question of what we do with the chiller already ordered and rolled into option 1, and whether we can back out of the purchase order.

Supervisor Kidd suggested using a local contractor and Mr. Rodgers explained that the chiller has been ordered and we can hire any contractor we want to install the chiller.

Chairman Pugh asked Ms. Bowyer regarding the motion previously made by Supervisor Marks.

Ms. Bowyer asked Supervisor Marks to read his motion and he restated his motion to cease contract negotiations with Ameresco relative to the Energy Conservation Program and inform Ameresco we have elected to pursue another course of action for county construction projects

Ms. Bowyer said she understood the Board directed her to undertake contract negotiations with Ameresco and this has since occurred, and that Supervisor Marks motion is saying to stop contract negotiations. Ms. Bowyer advised that a motion to reconsider is not needed only a motion to stop contract negotiations.

Supervisor Tucker stated that Roberts Rules of Order allow for a Board member who voted on a prevailing side to request a motion to reconsider to have a public vote.

Ms. Bowyer responded affirmatively and Supervisor Tucker stated this is what she wished to do after they consider this vote.

Chairman Pugh stated the only item is one that pays for itself, option 1, and asked Mr. Rodgers for his opinion. Mr. Rodgers said all projects found to produce the most efficient savings were included in Option 1 but he cannot speak as to how desperately we need those projects.

Supervisor Curd stated he favored the process to move forward and to compare looking at all options and he liked Ameresco by getting these things done and the keeping the process moving forward. Supervisor Curd mentioned we still have the issue of the HVAC and roofs to address.

Mr. Rodgers explained that the way forward would be to ask our engineering firms to look at options 2 and 3 and have them estimate the costs. There is no timeframe but he will give them a month to prepare proposals and advise us what needs to be done first. Mr. Rodgers further stated we would then look at financing and build this into the budget.

Supervisor Tucker asked the Chairman of the School Board to come up and address the Board's questions.

Mr. Alan Wood came forward.

Supervisor Tucker stated the School Board reviewed all recommendations and Board decided the energy saving programs with Ameresco was the best way to proceed to take care of infrastructure issues and Mr. Wood acknowledged this was a fair statement.

Mr. Wood stated the numbers from Davenport showed him there is a path to pay for the projects and stated the revenue numbers change but those have no bearing on these projects and believed this is a path forward in order to take care of our buildings.

Supervisor Tucker stated she wanted the Chair of the School Board and a former CEO to provide his opinion and stated he believed we should go forward. She said she does not think it will be an impact, from a fiscal perspective, as others who think we can do it ourselves.

Supervisor Kidd believes a common sense approach is needed and to talk with Southern Air since they know what equipment needs to be replaced first. This can be done over a 3 or 4 year period so why borrow double the money?

Chairman Pugh stated there was a motion on table by Supervisor Marks.

Supervisor Marks requested a roll call vote.

Supervisor Marks restated his motion that the Board cease contract negotiations with Ameresco relative to the Energy Conservation Program and inform Ameresco we have elected to pursue another course of action for county construction projects.

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

Supervisor Marks asked how the staff ought to proceed with this?

Ms. Bowyer stated this should come from the County Administrator since it is a Board action.

IX. Departmental Reports

A. Treasurer's Report - Monthly Reports, January 2015

For information only.

X. Citizen Comments

There were no citizens to come forward to speak.

XI. Matters from Members of the Board of Supervisors

Supervisor Kidd did not raise any matter to discuss.

Supervisor Marks did not raise any matter to discuss.

Supervisor Curd did not raise any matter to discuss.

Supervisor Tucker did not raise any matter to discuss.

Chairman Pugh did not raise any matter to discuss.

XII. Closed Session

Supervisor Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711- Pursuant to the personnel exemption at § 2.2-3711 (A)(1) of

the Code of Virginia, to discuss the performance of the County Administrator and a disciplinary matter relating to a specific County employee; and pursuant to § 2.2-3711 (A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in an open meeting would adversely affect the County's bargaining position or negotiating strategy.

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

Supervisor Kidd motioned to come out of closed session and was approved with the following vote:

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

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

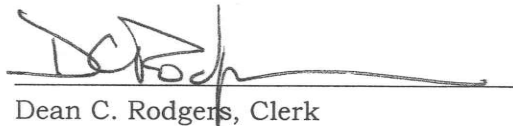
XIV. Adjourn

On motion by Supervisor Marks and with the following vote, the Board moved to adjourn.

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



David W. Pugh, Jr., Chairman
 Amherst County Board of Supervisors



Dean C. Rodgers, Clerk