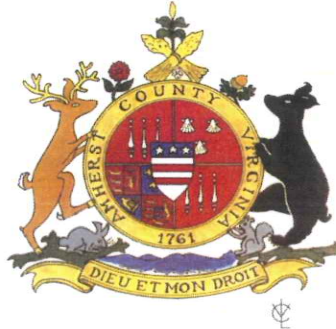


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Board of Supervisors

David W. Pugh, Jr., Chairman
District 4
Claudia D. Tucker, Vice Chair
District 2
Robert M. Curd, Supervisor
District 3
John A. Marks, Jr., Supervisor
District 5
Donald W. Kidd, Supervisor
District 1



County Administrator
Dean C. Rodgers

County Attorney
Ellen Bowyer

MINUTES

**AMHERST COUNTY BOARD OF SUPERVISORS
AMHERST COUNTY ADMINISTRATION BUILDING
OCTOBER 6, 2015
1:00 P.M.**

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comments**
- V. **Ordinances – First Reading**

A. Ordinance 2015-0008, amending §§ 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Amherst County Code to increase water and sewer service charges and fees, and to make non-substantive corrections and changes to the Code text.

B. Ordinance 2015-0010, adding Article VII, comprised of Sections 4-146 through 4-156, to Chapter 4 of the Amherst County Code, to modify the requirements governing the County's implementation of the Uniform Statewide Building Code in order to strengthen the County's ability to ensure quality building construction and to remediate structures posing hazards to occupants or the public. The ordinance also amends Article I of Chapter 4 of the Amherst County Code to repeal Section 4-6, Rental inspections; rental inspection districts; exemptions; penalties, and repeals Article II of Chapter 4 as that has been replaced in whole by the new Article VII.

VI. **Consent Agenda**

- A. Minutes – September 1, 2015
- B. FY15 Appropriation of Revenue - Train Station/CSA
- C. FY16 Appropriation of Revenue – Sheriff/Animal Shelter/Commonwealth Attorney

VII. **New Business**

- A. County Administration – Second Stage Sub-Tenants
- B. County Administration – VACo Voting Proxy for 2015 Annual Business Meeting
- C. EDA – Retail Merchants Tax Issues

VIII. **County Attorney**

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A. Prohibition on outdoor shooting of firearms – draft ordinance 2015-0012

IX. County Administrator Report

A. Regulation on Internal Boards, Commissions, Councils and Committees, Draft Regulation ACR1-3

B. Regulations on Human Resources, Regulations 4-1 through 4-3

C. Addition to HR Regulation, Chapter 5

X. Liaison and Committee Reports

XI. Departmental Reports

A. Treasurer – Monthly Report August 2015

B. Human Resources – Brown Edwards VRS Findings

C. R. E. Lee Soil & Water Conservation District – Watershed Coordinator October 2015 Quarterly Report

XII. Citizen Comments

XIII. Matters from Members of the Board of Supervisors

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 6th day of October, 2015, at 1:00 p.m. at which the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Chairman David W. Pugh
Vice-Chair Claudia D. Tucker
Supervisor Robert M. Curd
Supervisor John A. Marks, Jr.
Supervisor Donald W. Kidd

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: Nate Young, County Building Official
Victoria Hanson, Executive Director, Economic Development Authority

I. Call to Order

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

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Chairman Pugh and with the following vote, the Board amended the Agenda for October 6, 2015 and added a closed session as Item XIV. pursuant to §2.2-3711 (A) 29 to review two Design/Build proposals for the Amherst County Administration Building Addition Project and discuss a potential project contract.

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

IV. Citizen Comments

Mr. Alan Wood, Chairman of the Amherst County School Board, extended an invitation to the Board of Supervisors to meet with the Amherst County School Board and the three General Assembly representatives on December 10, 2015 at 5:00 p.m.

Mr. Wood addressed the Board regarding Regulation ACR-1-3 on the Agenda and suggested that advertising for upcoming vacancies on Boards, Commissions, Councils and Committees be put on the County website to inform the public of upcoming opportunities as well as advertising in the local and Lynchburg newspaper to get as broad a coverage as possible.

Mr. Wood raised a concern regarding the keeping of charters consistent with what is already in place according to State statutes. Mr. Wood believes there may be a conflict in some cases and to look carefully at Section 8.4, Removal and the broad language, "any other matter which causes the Board of Supervisors to lose confidence in the ability of the member to serve the body to which appointed".

Chairman Pugh closed Citizen Comments.

V. Ordinances – First Reading

A. Ordinance 2015-0008, amending §§ 15-122, 15-123, 15-124, 15-125, 15-127, 15-128, and 15-129 of Article IV of Chapter 15 of the Amherst County Code to increase water and sewer service charges and fees, and to make non-substantive corrections and changes to the Code text.

Chairman Pugh stated this ordinance provides the Board formal authority to increase water and sewer service charges and fees and to make non-substantive corrections and changes to the Code text.

Chairman Pugh said Ordinance 2015-0008 was discussed at a prior Amherst County Service Authority meeting and the recommendation was to proceed with a public hearing on October 20, 2015.

By motion of Chairman Pugh and with the following vote, the Board directed staff to schedule a joint public hearing with the Amherst County Service Authority on October 20, 2015 to present the ordinance and receive public comment.

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

B. Ordinance 2015-0010, adding Article VII, comprised of Sections 4-146 through 4-156, to Chapter 4 of the Amherst County Code, to modify the requirements governing the County's implementation of the Uniform Statewide Building Code in order to strengthen the County's ability to ensure quality building construction and to remediate structures posing hazards to occupants or the public. The ordinance also amends Article I of Chapter 4 of the Amherst County Code to repeal Section 4-6, Rental

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inspections; rental inspection districts; exemptions; penalties, and repeals Article II of Chapter 4 as that has been replaced in whole by the new Article VII.

Mr. Nate Young, Amherst County Building Official, addressed the Board regarding the County's property maintenance ordinance. Mr. Young said current County Code does not have the enforcement language that is needed and the proposed ordinance would put County Code more in line with the Uniform Statewide Building Code.

Chairman Pugh asked for clarification on where all the changes were made.

Ms. Bowyer stated that the ordinance repeals an existing code and replaces it with new language. Ms. Bowyer said she drafted this ordinance to make it clearer and the substance of the changes are repealing one and replacing it with another to bring it in line with the Uniform Statewide Building Code.

Chairman Pugh stated this new ordinance clarifies the language for the inspection of property.

Ms. Bowyer informed that the Board had put in place several years ago a rental inspection district to develop a registry of all properties in the County. She said she recalled the former Building Official had problems gaining access to units to do inspections and he had a difficult time getting owner compliance. The tools he had did not give him any effective means of enforcement.

Supervisor Tucker asked Ms. Bowyer what were the number of rental properties in the County. Ms. Bowyer stated she would check with the Commissioner of the Revenue.

Supervisor Tucker said she heard there are properties rented out to Section 8 Housing and that this agency is very strict on the upkeep of those homes and questioned where the breakdown was in Amherst County.

Mr. Young said there is a problem locating which structures are rentals and then obtaining compliance through the rental ordinance. Mr. Young said that this proposed ordinance sets forth a way to obtain compliance and everyone will have the same treatment regardless of a land owner or rental property.

By motion of Supervisor Marks and with the following vote, the Board directed staff to advertise the proposed ordinance 2015-0010 for a public hearing on October 20, 2015.

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

VI. Consent Agenda

A. Minutes – September 1, 2015

By motion of Chairman Pugh and with the following vote, the Board approved the Minutes for September 1, 2015 with Supervisor Marks abstaining.

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

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ABSTAIN Mr. Marks
ABSENT: None

B. FY15 Appropriation of Revenue - Train Station/CSA

By motion of Chairman Pugh and with the following vote, the Board approved the FY16 Appropriation of Revenue for the Sheriff, Animal Shelter and Commonwealth Attorney.

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

C. FY16 Appropriation of Revenue – Sheriff/Animal Shelter/Commonwealth Attorney

By motion of Chairman Pugh and with the following vote, the Board approved the FY16 Appropriation of Revenue for the Sheriff, Animal Shelter and Commonwealth Attorney.

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

VII. New Business

A. County Administration – Second Stage | Amherst Sub-Tenants

Mr. Rodgers informed the Board the terms of the lease with Second Stage | Amherst required that the Board approve a list of tenants who lease space and to identify what activities they are engaged in.

Mr. Rodgers said this is a list of the tenants seeking the Board's approval.

Supervisor Marks commented that when the Board received an update on the progress of work on the building, it identified 4 of the 7 emergency lights were working and batteries had been purchased for the remaining three lights. Supervisor Marks urged Second Stage | Amherst members to have all of the emergency lights working.

Supervisor Tucker expressed how pleased she was to learn of the tenants that are coming into the building and it was serving as a mini-incubator.

By motion of Supervisor Tucker and with the following vote, the Board approved the Second Stage | Amherst sub-tenants as identified.

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

B. County Administration – VACo Voting Proxy for 2015 Annual Business Meeting

Mr. Rodgers informed the Board the annual VACo meeting will be held on November 10, 2015 at the Homestead in Bath County to elect officers and approve a legislative agenda. Mr. Rodgers advised he will be attending this meeting and asked the Board to designate its proxy to him as County Administrator for any votes that may be conducted at the VACo meeting.

Mr. Rodgers said the full legislative agenda has not been sent out but he has seen portions of it and it appears to have no significant changes from last year.

By motion of Supervisor Tucker and with the following vote the Board voted to direct the Chairman to complete the VACo form designating the County Administrator to serve as its uninstructed proxy.

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

C. EDA – Retail Merchants Tax Issues

Ms. Victoria Hanson, EDA Executive Director, presented information to the Board concerning the Merchants Capital Tax (MCT) and the Business License Tax (BLT). Ms. Hanson said a study by the Commissioner of the Revenue is currently underway to analyze both the MCT and BLT to determine if one or the other has a more equitable application to all of the County's businesses while preserving the required revenue stream to local government.

The Commissioner of the Revenue's analysis should be completed by the end of October.

Ms. Hanson said her report was for information only and no Board action was needed.

VIII. County Attorney

A. Prohibition on outdoor shooting of firearms – draft ordinance 2015-0012

Ms. Ellen Bowyer, Amherst County Attorney presented draft ordinance 2015-0012 for consideration and stated at the last meeting the Board had expressed an interest in broader prohibitions.

Ms. Bowyer explained this ordinance establishes three components: 1) to establish a prohibition on the outdoor shooting of firearms in or along any public road and, 2) within 100 yards of any building occupied as a residence or public gathering place that is not the shooter's own dwelling, and 3) in such a direction that it crosses the property of another, where permission for such crossing has not been given.

Supervisor Marks proposed a question if air rifles should be included in this ordinance.

Chairman Pugh stated he was fine with the way the ordinance was written and had no desire to include air rifles.

Supervisor Curd raised a question concerning the 1,320 feet distance. Ms. Bowyer explained she looked at statistics and the distance a gun can shoot and concluded it would be approximately one-fourth mile.

Supervisor Tucker raised her concern with the expansiveness of the ordinance and what state law allows.

Chairman Pugh expressed his concern that the one-fourth mile seemed to be excessive.

Ms. Bowyer explained this ordinance was modeled from Hanover County's ordinance and established a blanket prohibition that a person cannot fire within 100 yards of a building and provided a higher level of protection for neighbors who worried about the shot.

Supervisor Kidd asked if there has been any input from the Sheriff's Office or the Department of Game & Inland Fisheries. Ms. Bowyer said she would share this with the Sheriff's Office.

Chairman Pugh believed this could be enforceable by the Sheriff's Office since the yardage could be walked off to determine if person is in violation of the law and was reviewed by State Attorney General who said it was constitutional. Chairman Pugh said this is a strong law that allows people to shoot in a reasonable manner and agreed with the restriction of 100 yards

from a road and occupied dwelling; however, he believed the 1,320 feet was an excessive amount.

Supervisor Tucker said it was a mistake to create an issue in a community and subject citizens to retaliation. She suggested one ordinance would be good.

Supervisor Kidd commented that if the ordinance was adopted, both the Board and Sheriff's Office would need to agree on this.

Ms. Bowyer said she would share this with the Sheriff's Office including the distance area and bring it back to the Board at the next meeting for further discussion. The Board members agreed that this would be a useful course of action.

IX. County Administrator Report

A. Regulation on Internal Boards, Commissions, Councils and Committees, Draft Regulation ACR1-3

Mr. Rodgers stated that the purpose of this regulation is to provide a structure of guidance to citizens serving on County boards, commissions, councils and committees and to clarify administrative responsibilities. This regulation establishes a framework for the charters. Each charter would be presented to the Board of Supervisors for approval before being adopted and added to the regulation and that all charters could be amended.

Mr. Rodgers said he has produced guidance in various areas that would create charters for each legislative body and provide instruction to their members, and he seeks feedback from the Board. The charters apply to each specific board, commission, council and committee and explains in more detail how members are selected. The regulation also provides for youth members and whether they have a vote or not.

Supervisor Marks stated he had a problem with Section 4 "Creating Bodies" and how to apply this to generate the charters.

Chairman Pugh stated that subsection 8.4 should be removed from Section 8 "Removal".

Supervisor Tucker was concerned that if a member was appointed to a body that did not represent the County well, how would this be addressed if Section 8 was removed.

It was the consensus of the Board not to proceed with Regulation ACR1-3 at this time. The Board directed Mr. Rodgers to alter provisions regarding the configuration of quorums and to await the conclusion of the draft ordinance on removal of board members before re-presenting this regulation for the Board's consideration.

B. Regulations on Human Resources, Regulations 4-1 through 4-3

Mr. Rodgers presented Regulation 4-1 through 4-3. Mr. Rodgers noted the most significant changes to policy are: 4-1 provides an organizational description that is aspirational; 4-2 requires employees to seek approval before obtaining outside employment; 4-2 clarifies the limitations on release of information from employee files; and 4-3 expands the information regarding procedures to hire new employees but presents no significant policy issues.

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Supervisor Marks stated he was concerned regarding the reorganization of County government and adding responsibilities to staff which potentially could add additional compensation and costs.

Supervisor Tucker said she agreed with how this is written because it tells staff what is expected of them and is a step in the right direction.

Chairman Pugh observed that this is aspirational and wanted clarification.

Supervisor Marks stated this document does not represent what the actual organization looks like and what is in the personnel manual should be what actually exists.

Chairman Pugh requested Mr. Rodgers bring this back to the Board after he describes our existing organization.

Therefore, the Board did not approve the organization structure offered by the County Administrator and directed that another draft be presented for the Board's consideration.

By motion of Supervisor Curd and with the following vote the Board voted to approve Regulation 4-2, Section 2.2 Outside Employment, Section 2.2.2 but amending it by removing the language "and obtain approval before accepting a position outside of County employment"; and approved Regulation 4-3 as written.

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

NAY: None

ABSENT: None

C. Addition to HR Regulation, Chapter 5

Mr. Rodgers presented the Board with a regulation change to paragraph 5.4 Employees Hire Rate, specifically sections 5.4.3 and 5.4.4.

Board members discussed the supplemental pay issue regarding the Constitutional Officers.

It was the consensus of the Board to have Mr. Rodgers make an addition to ACR 5.4 stating essentially, "5.4.3, Newly elected Constitutional Officers, whose salaries are set by the State Compensation Board, will be scheduled to meet with the Board of Supervisors in closed session after their election, but before they take office, to give the Board of Supervisors the opportunity to determine whether the state-funded salary will include a local supplement".

Mr. Rodgers advised the Board he would rewrite this regulation inserting 5.4.3 and bring the rewritten regulation to the Board at the next meeting.

Mr. Rodgers then addressed the Board concerning several housekeeping items under the County Administrator Report:

Centra Health is planning its community health needs assessment and has asked for a County representative to serve on their steering committee. They would like to have someone familiar with the community needs.

The Board suggested Martha Tucker and Martha Bryant. Mr. Rodgers said he will contact both ladies.

Mr. Rodgers advised he will attend a VACo regional meeting tonight in Harrisonburg, Virginia.

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Mr. Rodgers informed the Board of an invitation from Dr. Nichols and the School Board to meet with our three legislators on December 10, 2015 at 5:00 p.m.

Mr. Rodgers asked the Board if they would like to attend by holding a joint meeting with the School Board on December 10, 2105 at 5:00 p.m. and the Board agreed.

Mr. Rodgers provided an update on the Courthouse propane tanks. The tanks could not be emptied safely due to bad fittings. The fuel must be burned off before disconnecting the plumbing to remove the tanks to repair the wall. Once the tanks are empty the repairs to the leaning brick wall will be undertaken.

Mr. Rodgers informed the Board the bids were received yesterday for the Train Depot and will wait for VDOT's approval.

Mr. Rodgers reminded the Board that VACo will be collecting legislative proposals and would like to have any proposals from the Board by the end of October.

X. Liaison and Committee Reports

XI. Departmental Reports

A. Treasurer – Monthly Report August 2015

For information only.

B. Human Resources – Brown Edwards VRS Findings

For information only.

C. R. E. Lee Soil & Water Conservation District – Watershed Coordinator October 2015 Quarterly Report

For information only.

XII. Citizen Comments

Mr. Jim Thompson, Madison Heights, Virginia, addressed the Board and reminded all that the School Board's vote on the cell tower at Elon Elementary School by the Amherst County School Board will be on October 8, 2015.

XIII. Matters from Members of the Board of Supervisors

Supervisor Kidd said he was approached by members of the Amherst County Chamber of Commerce and was told the County would not spend any money on advertising for tourism.

Mr. Rodgers advised the County advertises in several guides including the Virginia Department of Tourism Guide.

Supervisor Kidd said he understood that the Board agreed to turn tourism over to the Chamber but they have never received any money for tourism. Supervisor Kidd said he thought it was mandated by the State to spend transient tax dollars on tourism.

Mr. Rodgers said he understood the plan is to move the Chamber to the Train Depot and by providing free space to them they will do tourism for the County. This will be written into a draft lease agreement. Mr. Rodgers said we do receive tourism money which is a committed fund and that money will be given to the Chamber once an agreement is in place.

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Chairman Pugh commented he thought the County gave the Chamber money on one occasion to help upgrade computers and software and advertisement for tourism.

Mr. Rodgers said he will make the MOU a priority.

Supervisor Tucker said she had the same understanding and the communication was not clear.

Supervisor Marks stated that at the July 21, 2015 meeting, members of Winton Country Club informed the Board they would provide the Board with a quarterly update on their finances and maintenance.

Mr. Rodgers said he has not received a response yet from Winton. He checked the Board's minutes and found where Winton agreed to provide a financial report to the Board and he has asked Nate Young, Amherst Building Official to run the punch list of repair items with them.

Supervisor Marks commented that the Board did decide to move the Amherst County Service Authority and Board of Supervisors meeting from November 3, 2015 to November 5, 2015 with the times remaining the same.

Supervisor Curd advised that the County and American flags in the front of the County Administration building are worn and requested replacement of both.

Supervisor Tucker commented that in August, she and Ellen Bowyer were invited to the Fletcher family reunion at Sweet Briar College. The Fletcher family presented a certificate of appreciation to her for the Board of Supervisors regarding the efforts at keeping Sweet Briar College open as well as a signed copy of Dr. Lynn Rainville's book about cemeteries in the Amherst County region.

Chairman Pugh raised no issue to discuss.

XIV. Closed Session

Supervisor Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to the exemption at Section 2.2-3711(A)(29) of the Code of Virginia, (i) to review two (2) Design/Build proposals for the Amherst County Administration Building Addition Project, including the base proposals and any alternate offerings provided, overall cost data, the degree of each proposal's alignment with the evaluation criteria, (ii) to discuss the award of a public contract involving the expenditure of public funds, and (iii) to discuss the terms or scope of such contract, where discussion in an open session 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 Kidd 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

XV. Adjourn

By motion of 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