

**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

**AMHERST COUNTY BOARD OF SUPERVISORS**

**MINUTES**

**November 5, 2015**

**1:00 p.m.**

**AGENDA**

**NOVEMBER 5, 2015**

**ADMINISTRATION BUILDING - 153 WASHINGTON STREET**

**1:00 p.m.**

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comments**
- V. **Special Presentation**
  - A. Amherst County Virginia Cooperative Extension Office – Alyssa Elliott, Extension Agent, ANR – Report on the 2015 Amherst-Nelson Farm and Family Day
  - B. Larry Jackson, Region 2000 EDA and Lynchburg Chamber of Commerce Merger
- VI. **Ordinances – First Reading**
  - A. Ordinance 2015-0011, relating to multiple code changes to the Zoning and Subdivision ordinance.
- VII. **Consent Agenda**
  - A. Minutes – October 6, 2015
  - B. FY16 Appropriation of Revenue – 1) Sheriff's Office; 2) Animal Shelter
- VIII. **New Business**
- IX. **Old Business**
  - A. EDA – Endorsement of FY2015-16 EDA Action Plan
  - B. Planning/Zoning & Purchasing - Train Depot – Phase III Bids
- X. **County Attorney**
  - A. Resolution 2015-0015-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.
- XI. **County Administrator Report**

A. Human Resources – Regulations 4.6 – 4.9

**XII. Liaison and Committee Reports**

**XIII. Departmental Reports**

A. Public Works/Recreation & Parks/Maintenance – Parks Maintenance Status Report

B. Treasurer – Monthly Report October 2015

C. IT – update on Bright software training

**XIV. Citizen Comments**

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

**XVI. Closed Session**

A. Section 2.2-3711(A)(29) of the Code of Virginia, to discuss the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the County's bargaining position or negotiating strategy.

**XVII. Adjourn**

**MINUTES**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 5<sup>th</sup> day of November, 2015, at 1:00 p.m. at which the following members were present:

**BOARD OF SUPERVISORS:**

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

ABSENT: Supervisor John A. Marks, Jr.

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator / Purchasing Agent David R. Proffitt; and County Attorney Ellen Bowyer.

OTHERS PRESENT: Jeremy Bryant, Director Planning /Zoning; Victoria Hanson, Director Economic Development Authority; and

**I. Call to Order**

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

**II. Invocation and Pledge of Allegiance**

Supervisor Curd led the Invocation and Pledge of Allegiance.

**III. Approval of Agenda**

By motion of Supervisor Curd and with the following vote, the Board voted to approve the November 5, 2015 Agenda.

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

**IV. Citizen Comments**

Chairman Pugh opened the Citizen Comments section.

Ms. Gloria Witt of Madison Heights, Virginia, addressed the Board regarding her concern with the Ordinance 2015-0004 dealing with business licensing. Ms. Whitt said she would like to have this ordinance repealed or rewritten due to the language regarding the convicted felons.

Chairman Pugh closed the Citizen Comments section.

**V. Special Presentation**

A. Amherst County Virginia Cooperative Extension Office – Alyssa Elliott, Extension Agent, ANR – Report on the 2015 Amherst-Nelson Farm and Family Day

Ms. Elliott provided a report to the Board regarding the 2015 Amherst-Nelson Farm and Family day that was held at Lazy Days Winery in Amherst held on September 12, 2015.

Ms. Elliott said this event featured a variety of farm animals and vendors including local farmers' market vendors and she estimated that approximately 250 people attended.

Ms. Elliott expressed her hope to see more vendors and activities in following years. She will be heading the planning committee for next year to hopes to make this an annual event.

B. Larry Jackson, Region 2000 EDA and Lynchburg Chamber of Commerce Merger

Mr. Jackson, a volunteer of the Region 2000 Business and Economic Development Alliance addressed the Board and explained the difference between the Region 2000 Business Economic Development Alliance and the Region 2000 Local Government Council. Mr. Jackson said the Business and Economic Development Alliance markets this region providing prospects to investors and creating jobs with an increased emphasis on economic development marketing of this region. He described the status of the plans to merge the Alliance with the Lynchburg Chamber and explained some of the anticipated benefits.

Vice-Chair Tucker added that in the past Amherst County has lacked involvement and said she looks forward to the County's participation.

Chairman Pugh agreed and said it is vital to have the County fairly represented in this merger and to have a voice.

**VI. Ordinances – First Reading**

A. Ordinance 2015-0011, relating to multiple code changes to the Zoning and Subdivision ordinance.

Jeremy Bryant, Planning/Zoning Director, provided the Board his report regarding Ordinance 2015-0011. Mr. Bryant explained this ordinance represents multiple code changes to the Zoning and Subdivision Ordinance. Mr. Bryant said that some changes are required by the Code of Virginia and needed to clarify existing procedures and add new uses. The changes are in eighteen different categories that have been summarized on the first page of the ordinance.

Mr. Bryant stated that on October 15, 2015 the Planning Commission held a public hearing and recommended approval of Ordinance 2015-0011.

Chairman Pugh opened the Public Hearing.

Proponents – None

Opponents – None

There being no one wishing to speak, Chairman Pugh closed the Public Hearing.

By motion of Supervisor Kidd and with the following vote, the Board directed staff to advertise and schedule a public hearing on Ordinance 2015-0011 for November 17, 2015.

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

**VII. Consent Agenda**

A. Minutes – October 6, 2015

By motion of Vice-Chair Tucker and with the following vote, the Board approved the Minutes of October 6, 2015.

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

B. FY16 Appropriation of Revenue – 1) Sheriff's Office; 2) Animal Shelter

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

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

**VIII. New Business**

Chairman Pugh expressed his willingness to revisit Ordinance 2015-0004 regarding the business license issue and bring this back to receive public input.

Vice-Chair Tucker also expressed her desire to bring this ordinance back for discussion with the public.

Mr. Rodgers stated he would schedule a discussion of Ordinance 2015-0004 at a later meeting and invite public comment.

**IX. Old Business**

A. EDA – Endorsement of FY2015-16 EDA Action Plan

Victoria Hanson, EDA Director, presented to the Board an annual update to the EDA action plan that outlined the EDA work plan for the year. Ms. Hanson outlined several major items:

Lowes 10-year Incentive Agreement has been completed; Quality Archery Design's 5-year Incentive Agreement will be completed soon; Amelon Commerce Center covenants have been revised; assisted with the Verizon building in Brockman Commerce Park with Town of Amherst; responded to potential closing to CVCC's Amherst location; accomplished launching a new website; continued working on incubator in the Amelon Commerce Center; working with CVCC on the lease; liaison with Region 2000 and the Virginia Economic Development partnership organization.

Vice-Chair Tucker asked if the EDA has done any outreach with Second Stage. Ms. Hanson advised that the majority of the funding that Second Stage requires is not necessarily the kind the EDA can help with; however, she provided Second Stage contact information to seek possible grant funding.

Chairman Pugh asked about the Region 2000 Workforce Development Board that conducts job fairs and would like to see this for Amherst County. He also suggested advertising in the *Virginia Business Magazine* to get Amherst County's name out there.

Chairman Pugh thanked Ms. Hanson and appreciated all the work the EDA has been doing.



**B. Planning/Zoning & Purchasing - Train Depot – Phase III Bids**

Jeremy Bryant, Planning/Zoning Director addressed the Board regarding the Train Depot-Phase III Bids. Mr. Bryant advised that on October 5, 2015 bids were received for Phase III of the Amherst County Train Depot project that included completion of the building interior, parking lot paving, a train signal, an exterior rail and lighting.

Mr. Bryant stated he was advised by VDOT that the low bidder, Jamerson-Lewis (\$394,493) did not successfully submit their bid. Mr. Bryant advised that Custom Structures was the next lowest bidder at \$422,816.

Mr. Bryant informed the Board that because Custom Structures price exceeded the cost estimates for Phase III of the Train Depot, staff needs direction from the Board on two options: Option 1: Re-bid the Train Depot – Phase III project (estimated cost for rebidding should not exceed \$4,000); and Option 2: Appropriate \$26,816 and award the Phase III Train Depot bid to Custom Structures (\$422,816 = Custom Structures Bid; \$24,000 = Architectural Firm's Estimated Fee; \$446,816 = Estimated Total).

Chairman Pugh clarified that the bid bond was not included and Mr. Bryant responded affirmatively.

By motion of Supervisor Kidd and with the following vote, the Board chose Option 1 to re-bid the Train Depot – Phase III project and the estimated cost for rebidding not to exceed \$4,000.

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

**X. County Attorney**

A. Resolution 2015-0015-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.

Ellen Bowyer, Amherst County Attorney, addressed the Board regarding Resolution 2015-0015-R. This resolution states the Board's intent to proceed with acquiring various parcels of property surrounding Learning Lane, to accept deeds conveying the property, and to authorize the Chairman to sign the deeds. Once this is completed, the property can be transferred to the Virginia Department of Transportation for inclusion into the secondary road system.

Chairman Pugh clarified that Learning Lane is the road that goes to Madison Heights Elementary School. Chairman Pugh stated there has been a problem with drainage from a nearby shopping center that has compromised the integrity of this County-owned road and the County is in the process of acquiring property to transfer to VDOT for placement in the State secondary road system.

By motion of Vice-Chair Tucker and with the following vote, the Board adopted Resolution 2015-0015-R and directed staff to obtain its approval to any purchase of any real property underlying or surrounding Learning Lane prior to closing on such property, and that the Board expresses its intention to accept deeds to the various parcels of real property underlying and surrounding Learning Lane, and that the Board hereby authorizes its Chairman to sign such deeds to evidence the County's acceptance of the same. **(See Attachment 1)**

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

**XI. County Administrator Report**

Mr. Rodgers informed the Board of VACo's upcoming training for new Board members on January 8 through January 10, 2016. He will be sending information out to the new Board members.

Mr. Rodgers advised he has scheduled a closed session with the newly-elected Constitutionals to discuss the local supplement to their salary.

**A. Human Resources – Regulations 4.6 – 4.9**

Mr. Rodgers addressed the Board regarding draft Regulations 4-6 through 4-9 and explained the changes made by the Human Resources consultant and the Personnel Committee as well as administrative changes including referencing the involvement of the HR Coordinator.

Mr. Rodgers advised the Board that he spoke with Mr. Marks who voiced his concern of making this document gender neutral and noted in the disciplinary section, the use of the word "may" that perhaps should be changed to "must take that action."

Vice-Chair Tucker suggested using a "he/she" and Mr. Rodgers stated he would accommodate this request where it is necessary.

By motion of Vice-Chair Tucker and with the following vote, the Board adopted Human Resource Regulations 4-6 through 4-9.

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

NAY: None

ABSENT: Mr. Marks

**XII. Liaison and Committee Reports**

Mr. Rodgers advised the Board that Mr. Bill Gillespie of MRG Consultants will not be at today's meeting; however, he can discuss this further in the closed session at this meeting.

**XIII. Departmental Reports**

**A. Public Works/Recreation & Parks/Maintenance – Parks Maintenance Status Report**

Mr. Rodgers advised the Board regarding work that is needed to maintain the County parks. The work ranges from minor projects that can be done in house with existing resources to major capital projects.

**B. Treasurer – Monthly Report October 2015**

For information only.

**C. IT – update on Bright software training**

Mr. Rodgers reported that this is a basic schedule for training County personnel to use the Bright software and for information only.

**XIV. Citizen Comments**

Chairman Pugh opened the Citizen Comments section.

Mr. Alan Wood of Madison Heights, Virginia, addressed the Board and thanked the Board for keeping the Learning Lane issue moving forward.

Mr. Jim Thompson of Madison Heights, Virginia, addressed the Board and commented on the erosion problem at Madison Heights Elementary School. Mr. Thompson informed the Board he is dealing with another erosion issue coming off from Elon Elementary School that is under investigation regarding a storm retention pond or lack thereof.

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

Supervisor Curd suggested that the Schools partner with the County and EDA to develop ideas for the new County brand/logo.

Vice Chair Tucker reported on three issues: 1) recognized Nate Young for his assistance to a County citizen who experienced automobile trouble on Rt. 60 and expressed her thanks to Mr. Young; 2) was notified by some volunteers regarding old deed books at the County Museum and to make sure that the County has a policy in place for what to do with these items; and 3) residents have called her and asked about the election process and what the process is when there are write-in candidates.

Supervisor Kidd raised no issue to discuss.

Chairman Pugh raised no issue to discuss.

**XVI. 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, to discuss the award of a public contract involving the expenditure of public funds, including 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 and Mr. Kidd  
NAY: None  
ABSENT: Mr. Marks

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

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

**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   | ABSENT |
| Mr. Kidd    | AYE    |

**XVII. Adjourn**

By motion of Supervisor Tucker and with the following vote, the Board moved to adjourn.

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

  
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David W. Pugh, Jr., Chairman  
Amherst County Board of Supervisors  
  
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Dean C. Rodgers, Clerk





Amherst County Board of Supervisors  
County Resolution No. 2015-0015-R

For consideration on November 5, 2015

**A RESOLUTION, NO. 2015-0015-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.

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Approved as to form by the County Attorney

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**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

**I. That the Amherst County Board of Supervisors ("Board") hereby expresses its 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, as follows:**

**WHEREAS**, Amherst County wishes to have Learning Lane – the street providing access to Madison Heights Elementary School at 287 Learning Lane, Madison Heights, Virginia – accepted into the State secondary road system; and

**WHEREAS**, in order to transfer Learning Lane to the Virginia Department of Transportation, the County must acquire title to the real property underlying and surrounding Learning Lane; and

**WHEREAS**, County staff are in the process of negotiating to acquire such real property; and

**WHEREAS**, once County staff complete the negotiations, the County Attorney will approve the form of the deeds necessary to effect transfer of such real property to County ownership; and

**WHEREAS**, the Board wishes to express the County's intention to accept the deeds conveying such real property upon their presentation to the Board.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

That the Board directs staff to obtain its approval to any purchase of any real property underlying or surrounding Learning Lane prior to closing on such purchase.

**BE IT FURTHER RESOLVED:**

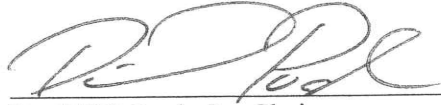
That the Board expresses its intention to accept deeds to the various parcels of real property underlying and surrounding Learning Lane.



**BE IT FURTHER RESOLVED:**

That the Board hereby authorizes its Chairman to sign such deeds as are approved as to form by the County Attorney to evidence the County's acceptance of the same.

Adopted this 5<sup>th</sup> day of November, 2015.



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

**ATTEST:**



Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions 0

**ADOPTED**

11 / 5 / 15