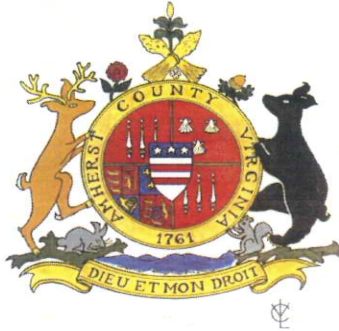


**Board of Supervisors**

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 17, 2015**

**7:00 p.m.**

**AGENDA**

**NOVEMBER 17, 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
- V. Public Hearing
  - A. Ordinance 2015-0011, relating to multiple code changes to the Zoning and Subdivision ordinance.
- VI. Consent Agenda
  - A. Minutes – October 20, 2015
  - B. FY16 Appropriation Requests – 1) Animal Shelter; 2) Sheriff's Office; 3) Commonwealth Attorney; and 4) Building Inspection-Code Enforcement
- VII. New Business
  - A. EDA – Final Incentive Payment to Quality Archery Designs (QAD)
  - B. EDA – MOU with County for VRS and Health benefits for EDA staff
  - C. Planning/Zoning - Modifications to the A-1 Agricultural Residential District (Modifications to the Time-share Prohibition)
  - D. Planning/Zoning – Business and Industrial District Text Amendments
- VIII. Old Business
  - A. County Administrator – Discussion of Ordinance 2015-0007, adding § 2-11 to Article I of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on four County entities, for specified reasons, by majority vote of the Board of Supervisors.
- IX. County Administrator Report
  - A. Boards/Commissions/Committees – Recreation, Parks and Development Board Appointment District 3 – appointment of representative
  - B. Human Resources – Regulation 4.10-4.13
- X. Liaison and Committee Reports
- XI. Departmental Reports
- XII. Citizen Comments

XIII. Matters from Members of the Board of Supervisors

XIV. 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.

XV. Adjourn

## **MINUTES**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Administration building thereof on Tuesday, the 17<sup>th</sup> day of November, 2015, at 7:00 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 John A. Marks, Jr.  
Supervisor Donald W. Kidd

ABSENT: None

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

OTHERS PRESENT: Jeremy Bryant, Director Planning /Zoning; Lee Cobb, Consultant Economic Development Authority

### **I. Call to Order**

Chairman Pugh called the meeting to order at 7:00 p.m.

### **II. Invocation and Pledge of Allegiance**

Supervisor Marks led the Invocation and Pledge of Allegiance.

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

By motion of Vice-Chair Tucker and with the following vote, the Board approved the November 17, 2015 Agenda.

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

### **IV. Citizen Comments**

Chairman Pugh opened the Citizen Comments section.

Mr. Frank Campbell of Madison Heights, Virginia, addressed the Board and requested the Board invite the two newly elected Board of Supervisors to participate in the closed session of this meeting.

Mr. Campbell asked the Board that his name be included in the Minutes of October 20, 2015 as opposed to the no-shoot zone issue. Mr. Campbell stated he had questions regarding appropriations on the Agenda and Ordinance 2015-0007 regarding the removal of appointed members to Boards/Commissions/Committees.

Mr. Mark Labadie of Amherst, Virginia, addressed the Board and voiced his concern of excessive expenditures by the Sheriff's Office and asked that the Board look closely at this.

Chairman Pugh closed the Citizen Comment section.

**V. Public Hearing**

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

Jeremy Bryant, Director Planning/Zoning, presented his report to the Board regarding Ordinance 2015-0011. Mr. Bryant explained this ordinance represented multiple code changes to the Zoning and Subdivision Ordinance.

Mr. Bryant explained some changes are required by the Code of Virginia, clarify existing procedures and add new uses. The changes in eighteen categories have been summarized on page 1 of the ordinance.

On October 15, 2015 the Planning Commission held a public hearing and recommended approval of Ordinance 2015-0011. The Board of Supervisors reviewed Ordinance 2015-0011 on November 5, 2015 at its first reading.

Chairman Pugh opened the Public Hearing.

Proponents – None

Opponents – None

Chairman Pugh closed the Public Hearing.

By motion of Chairman Pugh and with the following vote, the Board adopted Ordinance 2015-0011. (See Attachment 1)

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

**VI. Consent Agenda**

A. Minutes – October 20, 2015

By motion of Vice-Chair Tucker and with the following vote, the Board approved the Minutes of October 20, 2015 with two corrections: Page 1244, under Citizen Comments, added Frank Campbell's name as a person who spoke in opposition to the no-shoot zone issue; and Page 1246, third paragraph, Chairman "Kidd" changed to "Pugh."

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

B. FY16 Appropriation Requests – 1) Animal Shelter; 2) Sheriff's Office; 3) Commonwealth Attorney; and 4) Building Inspection-Code Enforcement

By motion of Vice-Chair Tucker and with the following vote, the Board approved the FY16 Appropriation Requests as listed above

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

ABSENT: None

**VII. New Business**

**A. EDA – Final Incentive Payment to Quality Archery Designs (QAD)**

Mr. Lee Cobb, Economic Development Authority Consultant, addressed the Board regarding the final incentive payment to Quality Archery Designs (QAD). Mr. Cobb explained funds for the reimbursement were included in the County's 2014-2015 Budget, however these funds were unspent.

Mr. Cobb explained Quality Archery Designs is now asking for the final incentive payment and advised this appropriation is the last incentive under its current agreement.

By motion of Supervisor Marks and with the following vote, the Board approved an appropriation of \$19,714.43 to pay the final incentive to Quality Archery Designs (QAD).

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

**B. EDA – MOU with County for VRS and Health benefits for EDA staff**

Mr. Lee Cobb, Economic Development Authority Consultant, addressed the Board with a request that the Board approve a Memorandum of Understanding (MOU) with the EDA allowing EDA full-time staff to join the County VRS and medical policies.

Mr. Cobb further stated at this time the EDA has one full time employee and would like to offer EDA employees VRS and health benefits under the County's policy.

Mr. Cobb further advised the Board that all costs associated with the benefits would be paid by the EDA and there would no cost to the County.

By motion of Supervisor Marks and with the following vote, the Board approved the MOU with the EDA allowing EDA staff members to join the County health plan and VRS.

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

**C. Planning/Zoning - Modifications to the A-1 Agricultural Residential District (Modifications to the Time-share Prohibition)**

Jeremy Bryant, Director Planning/Zoning, presented to the Board his report regarding proposed code changes to the A-1 Residential District, specifically the time-share prohibition. Mr. Bryant stated the proposed text would allow time-shares as a special exception use in the A-1 Agricultural District and a permitted use within a Planned Unit Development. Mr. Bryant said that time-shares are prohibited in the A-1 Agricultural Residential District.

Supervisor Kidd stated that if the County Attorney drafts the ordinance, there needs to be language specifying what the use will be. Supervisor Kidd questioned what was the intent of having time-shares. Supervisor Kidd thought they were multiple owned facilities and the reason was to have short term rental when people visit the County.

Mr. Bryant referenced a July 15, 2015 letter from the EDA regarding tourism and why the EDA believed it would be a good incentive and supported such.



Vice-Chair Tucker commented she supported tourism and a time share would be a way to bring people into the County and commended the EDA.

Supervisor Marks stated he recalled several years ago an attempt for allowing time shares in the A-1 zone around the Slap Creek and that there was tremendous opposition by the citizens of the County.

Vice-Chair Tucker said the first step would be to set up a process to allow people to weigh in on this issue and voice their concerns.

By motion of Vice-Chair Tucker and with the following vote, the Board directed the County Attorney to prepare the text amendments into an ordinance for Planning Commission review.

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

**D. Planning/Zoning – Business and Industrial District Text Amendments**

Jeremy Bryant, Director of Planning/Zoning addressed the Board and presented his report of proposed code changes to the Business and Industrial Zoning Districts.

Mr. Bryant advised that the EDA recommended to the Planning Commission changes be made to the B-2 General Commercial and M-1 Industrial Districts. This recommendation added additional uses, removed uses that no longer are applicable, and clarified existing uses. On October 15, 2015 the Planning Commission reviewed the proposed changes and recommended moving forward.

By motion of Vice-Chair Tucker and with the following vote, the Board directed the County Attorney to prepare the text amendments into an ordinance for the Planning Commission.

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

**VIII. Old Business**

A. County Administrator – Discussion of Ordinance 2015-0007, adding § 2-11 to Article I of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on four County entities, for specified reasons, by majority vote of the Board of Supervisors.

Dean Rodgers, County Administrator, addressed the Board and advised he has prepared a draft regulation on how to deal with removal or suspension of a Board appointee and included specific bodies and the criteria to remove one from an appointed position.

Mr. Rodgers said this regulation would not apply to the School Board and the Emergency Services Council.

Mr. Rodgers further stated there is no process in place to remove appointees should the need arise.

Supervisor Marks stated he agreed with the suggestion that the Board discontinue appointing applicants on the night of the interview and to wait to do so at a following meeting.

Supervisor Marks questioned what would be the procedure to remove someone once the ordinance is adopted.

Ms. Bowyer stated that the Board can adopt this ordinance by naming a single board to which it would apply.

Ms. Bowyer advised an ordinance would be the first step to put into place before you pass a resolution to have an individual removed and that it would be a two-step process.

Vice-Chair Tucker commented that the Board needs to appoint people who act in a responsible manner and agrees with Supervisor Marks to interview the applicant and then make a decision at a later meeting.

There was continued discussion regarding several issues such as conflicts of interest; who makes the determination for removal of an individual; the Board's right to remove an individual by this ordinance; the procedure regarding holding a public hearing; the need to discuss an individual's performance in a closed session; and to specify this process in the ordinance.

By motion of Supervisor Marks and with the following vote, the Board directed the County Attorney to add procedural language and bring the rewritten ordinance back to the Board for consideration.

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

## **IX. County Administrator Report**

### **A. Boards/Commissions/Committees – Recreation, Parks and Development Board Appointment District 3 – appointment of representative**

Dean Rodgers, County Administrator, advised the Board that Heather Follett, the District 3 representative on the Recreation, Parks and Cultural Development Board has moved out of her district. Ms. Follett's term expires on December 31, 2016.

Mr. Rodgers advised the County Administration office has received one response from Christy C. Kreuziger who expressed her interest in serving as the District 3 representative.

Supervisor Curd recommended that the Board interview Ms. Kreuziger.

By motion of Supervisor Marks and with the following vote, the Board directed staff to schedule an interview of Christy Kreuziger seeking the appointment as representative to District 3 on the Recreation, Parks and Development Board.

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

### **B. Human Resources – Regulation 4.10-4.13**

Mr. Rodgers presented to the Board the next group of chapters of the Personnel Manual for the Board's approval.

Mr. Rodgers stated the changes were produced by the HR Consultant and reviewed by the Personnel Committee and advised of several additions including a Drug Free Workplace policy, a discipline statement added to the Tobacco Use Policy, and the addition of a Solicitation at Work policy.

By motion of Vice-Chair Tucker and with the following votes, the Board approved Regulation 4-10 through 4-13 of the Personnel Manual.

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

**X. Liaison and Committee Reports****XI. Departmental Reports****XII. Citizen Comments**

Chairman Pugh opened the Citizen Comments.

Mr. Frank Campbell of Madison Heights, Virginia addressed the Board concerning FOIA requests and fees charged by the County to provide the requested information and the two changes in the motion to amend the minutes.

Chairman Pugh asked Mr. Rodgers to research this issue and provide the Board with his findings.

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

Supervisor Kidd stated he understood the noted changes to the November 5, 2015 Minutes regarding Mr. Frank Campbell's comments and those changes were noted in Vice-Chair Tucker's motion.

Supervisor Marks addressed the Board by reading the following statement.

Mr. Chairman: I have two items I would like to address.

*The first item deals with a FOIA that a gentleman in the district I represent submitted. The FOIA request was for information concerning the supervisory and administrative personnel in the Amherst County School system. The request was to provide a copy of the organization chart for the system, the name, salary and cost of benefits for each of the supervisory and administrative personnel. The gentleman received three sheets of paper in response to his FOIA request. One sheet was a copy of the organization chart, one sheet contained the requested information regarding salaries, and the third sheet was an invoice for \$37, the cost charged for providing this information. When he called me and complained I also thought the cost was out of line. Some complaints later the gentleman received another invoice for \$17.50 for providing the requested information. No explanation, just another invoice, which I also thought was high, but he paid. Now I realize that organizations have the right to charge for information requested, however, I do not believe any citizen would expect a cost of this amount for the information requested in this situation. I also realize that this board has a policy that permits charging for supplying information requested by FOIA, but since this board encourages our citizens to take an active part in the operation of their government I would encourage our administration to exercise good judgment when dealing with these type requests. Personally I think the procedure for charging should exist only to provide backup when large, time consuming amounts of information is requested, not to charge for everything.*

*The second item I would like to address is one that concerns me a great deal. We now have the final cost for the purchase and installation of the chiller at the Amherst Middle School. The final cost was \$432,041. This cost was considerably higher than it needed to have been. Had school division personnel acted on the 10-28-14 quote, one they requested from a local contractor, for \$204,852, which was a turn- key job, the county could have saved \$227,189 in tax payer money. Had it not been for Mr. Kidd's discovery of the existence of this quote from the local contractor the county would have spent \$518,912 for the purchase and installation of this chiller, for a waste of \$314,060, rather than \$227,189. My point is we are about to enter into a rather extensive and expensive program to upgrade the infrastructure of our schools. I believe this board should be involved in every major decision made during this project. Call it micromanaging, or whatever*

*one prefers, I believe we owe it to the taxpayers of this county to make sure we do not have another situation such as the one involving the chiller at Amherst Middle School.*

Supervisor Curd reported he had no matter to discuss.

Vice-Chair Tucker agreed with Mr. Frank Campbell's statement to have the two newly elected Board members sit in on the Closed Session this evening.

It was the Board's consensus to invite Mr. Campbell and Mr. Ayers to sit in the on the Closed Session this evening.

#### **XIV. 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.

Mr. Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 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, Mr. Marks and Mr. Kidd  
NAY: None  
ABSENT: None

Vice-Chair Tucker's motion to come out of closed session 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

By motion of Supervisor Marks and with the following vote, the Board accepted the Blair Construction design/build proposal and directed the Building Committee to negotiate a not-to-exceed cost of \$2,506,299.45 for the construction that includes:

a fire alarm system for the entire building,  
a security system for the entire building,  
a replacement of the HVAC systems for the entire building, and  
the installation of a backup electrical generator for the County Administration quarter of the new building that is option B.

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



**XV. Adjourn**

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

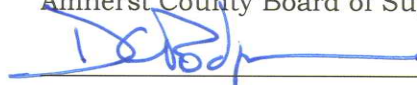
AYE: Mr. Pugh, Mrs. Tucker, Mr. Curd, Mr. Marks and Mr. Kidd

NAY: None

ABSENT: None



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



Dean C. Rodgers, Clerk