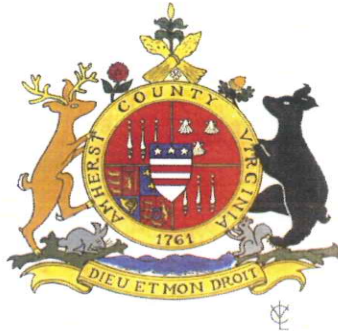


Board of Supervisors

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**

**December 1, 2015
1:00 p.m.**

AGENDA

DECEMBER 1, 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. Ordinance – First Read

A. Ordinance 2015-0014, amending §§ 14-141, 14-144, and 14-151 of the Amherst County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a basis for revocation or denial of a business license; to eliminate the reference to the grant of a business license as a privilege; and to make additional technical changes.

VI. Consent Agenda

A. FY16 Appropriation of Revenue: 1) Animal Shelter; 2) Sheriff's Office

B. Treasurer – Appropriation for Legal Expenses

VII. New Business

A. Planning/Zoning – Virginia Code 15.2-2232 Review – Wireless Communications Facility – Elon Elementary School

VIII. Old Business

A. Amherst County Museum – Amherst County Museum & Historical Society Retrieval of 1938 Time Capsule

B. Purchasing – School Infrastructure Building Project

IX. County Administrator Report

A. Human Resources – Regulation 4.14-17

X. Liaison and Committee Reports

XI. Departmental Reports

A. Building, Safety and Inspections –Monthly Report October 2015

B. Treasurer – Monthly Report November 2015

XII. Citizen Comments

XIII. Matters from Members of the Board of Supervisors

XIV. Closed Session

A. Virginia Code § 2.2-3711(A)(1), to discuss the salaries of the County's Constitutional officers.

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 1st day of December, 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 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 Regina Rice Executive Assistant.

OTHERS PRESENT: Jeremy Bryant, Director Planning /Zoning;

I. Call to Order

Chairman Pugh called the meeting to order at 1:01 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Marks and with the following vote, the Board approved the December 1, 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.

The following citizens spoke in opposition to Ordinance 2015-0014: Ruth Martin; Terrick Moyer, Madison Heights, VA; Finis Southworth, Lynchburg, VA; Leon Parrish, Madison Heights, VA; Thomas Wright, Forest, VA; Alan Wood, Madison Heights, VA; Bill Peters, Amherst, VA.

The following citizens spoke in opposition to the Wireless Communications Facility at Elon Elementary School: Florence Foster Nixon, Madison Heights, VA; Holcomb R. Nixon, Madison Heights, VA; Jim Thompson, Madison Heights, VA; Abby Thompson, Madison Heights, VA;

Mr. Alan Wood, Madison Heights, VA addressed the Board and thanked the Board for the progress that has made regarding the school building project.

Mr. Wood also commented on the proposed cell tower at Elon Elementary and advised that the School Board considered everything, that it was a tough decision but made in the context of what the School Board understood. Mr. Wood stated the School Board did its job and he is comfortable with the decision made.

Mr. Bill Peters, Amherst, VA addressed the Board with several comments regarding Ordinance 2014-0014 and questioned paragraph 2 in the ordinance. Mr. Peters stated this revision today fixes what is wrong and asked the Board to pass the ordinance today. Mr. Peters stated this ordinance will fix the terrible reputation the County has regarding hotels and motels and pleaded with the Board that it ensure that the Commissioner of the Revenue will receive funding and staff to implement this.

Chairman Pugh closed the Citizen Comment section.

V. Ordinance – First Read

A. Ordinance 2015-0014, amending §§ 14-141, 14-144, and 14-151 of the Amherst County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a basis for revocation or denial of a business license; to eliminate the reference to the grant of a business license as a privilege; and to make additional technical changes.

Ellen Bowyer, County Attorney, presented to the Board and stated that the Board had adopted changes to the business license requirements in April 2015.

Ms. Bowyer stated that the ordinance presented today amends County Code to remove the status as a convicted felon, the inability to demonstrate financial responsibility, the inability to physically carry on the business, having been adjudicated as incapacitated, and a prior history of having been intoxicated or under the influence of some self-administered drug while upon the licensed premises as a reason for revocation or denial of a business license; if eliminates the reference to the grant of a business license as a privilege; and it makes additional technical changes.

Ms. Bowyer stated the ordinance is before the Board on a first read and the recommendation is to send this ordinance to a public hearing.

Chairman Pugh explained the Board made an error, now corrected and agreed with all of the citizens' comments made earlier at this meeting.

Vice-Chair Tucker commented that a mistake was made and the Board is here to correct this mistake. Vice-Chair Tucker thanked all who contacted her and said this is how democracy is supposed to work.

The Board discussed several issues regarding the reference to public property and the process of revocation of a business license. The Board amended Ordinance 2015-0014 page 4 of Sec. 14-151, 5) as follows, "*Has failed to take reasonable measures to prevent: (i) the licensed premises or (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee; or (iii) ~~any portion of public property immediately adjacent to the licensed~~*

premises from becoming a place where patrons of the establishment commit criminal violations, and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety"; and directed staff to proceed to public hearing on December 15, 2015.

By motion Chairman Pugh and with the following vote, the Board amended Ordinance 2015-0014 and directed staff to proceed to public hearing on December 15, 2015.

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

Supervisor Tucker asked when the amended ordinance would be posted on the County's website. Ms. Bowyer stated she will post the amended Ordinance 2014-0014 on the County Attorney's webpage.

VI. Consent Agenda

A. FY16 Appropriation of Revenue: 1) Animal Shelter; 2) Sheriff's Office

By motion of Vice-Chair Tucker and with the following vote, the Board approved the FY16 Appropriation of Revenue for the Animal Shelter and Sheriff's Office.

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

B. Treasurer – Appropriation for Legal Expenses

This appropriation is payment of legal expenses the Treasurer incurred by retaining the services of Tom Shrader with regard to a lawsuit from Suntrust Bank v. Scott M Tyree, Heir to the Estate of Sandra Davis, et al.

By motion of Supervisor Marks and with the following vote, the Board appropriated \$1,413.63 from its Legal Services account to pay the invoice of Tom Shrader.

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

VII. New Business

A. Planning/Zoning – Virginia Code 15.2-2232 Review – Wireless Communications Facility – Elon Elementary School

Jeremy Bryant, Director of Planning/Zoning presented his report to the Board. Mr. Bryant stated that on November 9, 2015, Milestone Communications Management III, Inc. submitted a site plan for the construction of a wireless communications facility at Elon Elementary School. A contract for a cell tower located at Elon Elementary school was approved by the Amherst County School Board.

The Planning Commission met on November 19, 2015 to determine if the proposed cell tower, to be located on public lands, would be in compliance with the County's Comprehensive Plan pursuant to Virginia Code §15.2-2232. The Planning Commission determined that the proposed wireless communications facility at Elon Elementary school was substantially in accord with the Plan and that a public hearing was not necessary before final approval of the proposed site plan.

Supervisor Marks questioned what factors led the Planning Commission to come to their conclusion and the reasoning for their vote. Supervisor Marks stated that the Planning Commission is now asking the Board of Supervisors to approve this; however the Planning Commission did not provide their justification.

Ms. Bowyer explained to the Board that the Planning Commission makes a decision and communicates their decision to Board of Supervisors. The Board of Supervisors can make another determination. Ms. Bowyer clarified the Board has two options; to overrule the Planning Commission's decision or require that the Planning Commission hold a public hearing.

Supervisor Marks stated he wanted to make it clear this is not a decision to build or not build a tower, but whether decision is in accord with the Comprehensive Plan.

Ms. Bowyer advised the Planning Director's approval of a specific tower can be a by-right action so long as the Planning Commission determines that the project is in substantial accord with the Comprehensive Plan.

By motion of Supervisor Marks and with the following vote, the Board directed the Planning Commission to vacate its prior determination, hold a public hearing on the question of whether the Elon cell tower project is substantially in accord with the Comprehensive Plan, and advise the Board of its determination and the specific findings supporting that determination in writing in accordance with paragraph B of Virginia Code 15.2-2232.

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

VIII. Old Business

A. Amherst County Museum – Amherst County Museum & Historical Society Retrieval of 1938 Time Capsule

Chairman Pugh advised Supervisor Marks will be the Master of Ceremonies and the event will take place on December 12, 2015 at 2:00 p.m. on the grounds of the Courthouse.

Supervisor Marks encouraged all to attend.

B. Purchasing – School Infrastructure Building Project

David Proffitt, Deputy County Administrator addressed the Board and presented his report regarding two proposals from Southern Air, Inc. and Amersco.

Mr. Proffitt advised both of these proposals have been analyzed by the School Infrastructure Building Committee. The Committee unanimously approved by motion on November 23, 2015 to enter into contract negotiations with Southern Air, Inc. for proposed school infrastructure improvements. The Committee refined the scope of work and developed a project implementation schedule.

Mr. Bill Gillespie of MRG Consultants provided the Board with an overview as to energy and environmental issues and stated the Southern Air proposal provided a better look at new technology, energy savings for the building and LED lighting and was the best proposal for the County.

By motion of Supervisor Kidd and with the following vote, the Board directed the School Infrastructure Building Committee to enter into contract negotiations with Southern Air, Inc.

for proposed school infrastructure improvements and that the committee refines the scope of work and develops a project implementation schedule.

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

IX. County Administrator Report

A. Human Resources – Regulation 4.14-17

Mr. Rodgers presented to the Board his report asking the Board to endorse Regulation 4.14-17 and advised these will be added to the existing body of HR regulations.

Once all regulation chapters are completed, the regulations will be posted to the County website for all employees.

By motion of Supervisor Marks and with the following vote, the Board endorsed the Regulations 4-14, 4-15, 4-16, and 4-17 as presented.

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

At this time Mr. Rodgers addressed the Board and provided a response to Board members questions:

Phelps Road School- Finished the administrative process and the County is now in a position to demolish the building at the County's expense. The engineers have advised this would be costly; therefore, the County is now moving on a criminal track working with the Commonwealth's Attorney to file a criminal complaint against the owner this day.

Riveredge Park construction - The trail bed has been laid and ready for asphalt to be put down before the asphalt plant closes for winter.

Train Depot – Documents have been submitted to VDOT. VDOT has submitted back a request for a new cost estimate for the work. Once VDOT has all information, it will take approximately two weeks to get permission allowing the County to proceed.

Learning Lane – The County Attorney has drafted conveyance documents for signature by existing owners to convey easements to the County in order that those easements can be conveyed to VDOT.

Mr. Rodgers advised those Supervisors who wish to attend the VACO County Supervisor Training event January 8-10, 2016, to advise him regarding hotel reservations.

Mr. Rodgers provided information regarding the date and place of the legislative committee reviewing the process on CVTC if the Board was interested in attending.

X. Liaison and Committee Reports

XI. Departmental Reports

A. Building, Safety and Inspections –Monthly Report October 2015

For information only.

B. Treasurer – Monthly Report November 2015

For information only.

XII. Citizen Comments

Chairman Pugh opened Citizen Comments.

Ms. Gloria Witt of Madison Heights, Virginia, addressed the Board and expressed her thanks to the Board for allowing all the comments made by the previous citizens speaking today.

Ms. Witt also addressed the Board regarding the cell tower issue and her concern about the Board's failure to act which would put this in an approved state. She asked the Board to consider all the citizens who signed the petition in opposition and voiced her concern about the upcoming January deadline.

Mr. Mike Henderson, Madison Heights, Virginia, thanked the Board for moving forward regarding the school infrastructure.

Chairman Pugh closed Citizen Comments.

XIII. Matters from Members of the Board of Supervisors

Supervisor Kidd reported he had no matter to discuss.

Supervisor Marks reported he had no matter to discuss.

Supervisor Curd reported he had no matter to discuss.

Vice-Chair Tucker reported she had no matter to discuss.

Chairman Pugh mentioned that on December 11, 2016, at 10:00 a.m. at CVTC, there will be a legislative session and invited all to attend.

XIV. Closed Session

A. Section 2.2-3711(A)(1) of the Code of Virginia, to discuss the salaries of the County's Constitutional officers.

Mr. Kidd moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the salaries of the Constitutional officers.

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

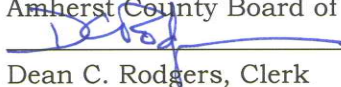
XV. Adjourn

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