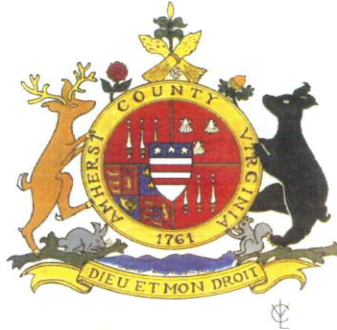


**Board of Supervisors**

John A. Marks, Jr., Chairman  
District 5  
David W. Pugh, Jr., Vice-Chair  
District 4  
Claudia D. Tucker, Supervisor  
District 2  
L. J. Ayers III, Supervisor  
District 3  
Kenneth M. Campbell, Supervisor  
District 1



**County Administrator**

Dean C. Rodgers

**County Attorney**

Ellen Bowyer

**AMHERST COUNTY BOARD OF SUPERVISORS**

**MINUTES**

**January 19, 2016**

**7:00 p.m.**

**AGENDA**

**January 19, 2016**

Administration Building - 153 Washington Street - School Board Room

7:00 p.m.

- I. **Call to Order**
- II. **Invocation and Pledge of Allegiance**
- III. **Approval of Agenda**
- IV. **Citizen Comment**
- V. **Public Hearing**
  - A. Ordinance No. 2016-0002, adding § 2-11 to Article 1 of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on certain County entities, for specified reasons, by majority vote of the Board of Supervisors.
  - B. Special Exception Request #2015-10 – Request by Joshua Huffines for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow a used automotive and motorcycle sales lot. The parcel is located at 3713 South Amherst Highway and is further identified as tax map number 148-1-2.
  - C. Special Exception Request #2015-11 - Request by Patricia McAdams Gibbons for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a venue for weddings as well as short term tourist rental of a dwelling (vacation rental). The parcel is located at 1769 High Peak Road and is further identified as tax map number 107-A-35.
- VI. **Consent Agenda**
  - A. Minutes – December 10, 2015 and December 15, 2015
  - B. FY16 Appropriation of Revenue
  - C. FY16 Appropriation – Animal Shelter/Repair and Maintenance
  - D. Refund of excess taxes paid by Hill Hardware
- VII. **Special Presentations**
  - A. Second Stage | Amherst – 2015 Year-end Report
- VIII. **Old Business**
  - A. Planning/Zoning – Wireless Communications facility at Elon Elementary School and special public comment period.
- IX. **County Administrator's Report**

- A. 2017 Supplemental Budget Requests and Non-profit Funding Requests
- B. Appointment of Board Representative to Workforce Development Council
- C. Appointment of Board Representative to Local Government Council
- D. Boards/Commissions/Committees – Appointments to the Economic Development Authority Board for District 4 and an At-large seat
- X. **Liaison and Committee Reports**
- XI. **Department Reports**
  - A. Building Safety & Inspections – Monthly Report December 2015
  - B. Robert E. Lee Soil & Water Conservation District – Amherst Watershed Coordinator 2016 January Quarterly Report
- XII. **Citizen Comment**
- XIII. **Matters from Members of the Board of Supervisors**
- XIV. **Closed Session**
  - A. Virginia Code § 2.2-3711 (A)(7): Consult with the County Attorney regarding specific legal matters pertaining to the Board's consideration of the Elon cell tower project
- XV. **Adjournment**

## **MINUTES**

At a regular meeting of the Board of Supervisors of Amherst County and held at the Amherst County Administration building on Tuesday, the 19<sup>th</sup> day of January, 2016, at 7:00 p.m. at which the following members were present:

### **BOARD OF SUPERVISORS:**

PRESENT: John A. Marks, Chairman  
David W. Pugh, Jr., Vice-Chair  
Claudia D. Tucker, Supervisor – via electronic communication  
L. J. Ayers, III, Supervisor  
Kenneth M. Campbell, Supervisor

ABSENT: None

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; County Attorney Ellen Bowyer, Administrative Executive Assistant Regina Rice Executive; Office Associate Yvette Humphrey; and Planning/Zoning Director Jeremy Bryant.

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

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

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

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

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

Chairman Marks indicated that one Board member desired to participate via electronic communication. Chairman Marks informed the Board must take a vote, as stated in Section 1.5 of the Board's Rules of Procedure, and it must be specified that Supervisor Tucker was not present at this meeting due to a work emergency. Chairman Marks said this would satisfy the criteria of the Board's Rules of Procedure.

By motion of Chairman Marks and with the following vote, the Board allowed Supervisor Tucker to participate in this meeting via electronic communication.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

It was confirmed that the equipment allowed her to hear and be heard. By motion of Vice-Chair Pugh and with the following vote, the Board approved the January 19, 2016 Agenda.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

**IV. Citizen Comment**

Chairman Marks advised there were three public hearings tonight and a special public comment period regarding the wireless communication tower at Elon Elementary School. Chairman Marks advised that the comment period was not a public hearing. Chairman Marks said the Board agreed to take all public comments regarding the wireless communication tower and asked those who wished to speak to sign their names on the appropriate sheet.

Chairman Marks opened the Citizen Comment period.

There were no citizen comments.

Chairman Marks closed the Citizen Comment period.

**V. Public Hearing**

- A. Ordinance No. 2016-0002, adding § 2-11 to Article 1 of Chapter 2 of the Amherst County Code to provide for removal or suspension of a Board appointee from a position on certain County entities, for specified reasons, by majority vote of the Board of Supervisors.

Mr. Rodgers addressed the Board regarding Ordinance 2016-0002 and explained the first reading was held at the January 5, 2016 Board meeting. This ordinance allows the Board to remove a Board appointee from a position on certain County entities and currently the Board does not have the authority to do this.

Chairman Marks opened the Public Hearing.

Proponents: None  
Opponents: None

Chairman Marks closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2016-0002. **(See Attachment 1)**

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

- B. Special Exception Request #2015-10 – Request by Joshua Huffines for a special exception request in the B-2 General Commercial District. The purpose of the special exception is to allow a used automotive and motorcycle sales lot. The parcel is located at 3713 South Amherst Highway and is further identified as tax map number 148-1-2.

Mr. Bryant presented to the Board his report regarding Special Exception Request #2015-10 to allow a used automotive and motorcycle sales lot located at 3713 South Amherst Highway. Mr. Bryant advised on December 17, 2015 the Planning Commission recommended approval of the



request with six conditions: trash disposal, lighting, sight distance, outdoor storage, operative motor vehicles and vehicles for sale.

Mr. Bryant explained this request is to continue an existing business with the intention to expand and he recommended the Board's approval with those conditions approved by the Planning Commission.

Chairman Marks opened the Public Hearing.

Proponents: Joshua Huffines of Madison Heights, VA. Mr. Huffines addressed the Board and said his business will be in compliance with all conditions approved by the Planning Commission. Mr. Huffines advised he intends to improve the appearance of the area, generate tax revenue and thanked the Board for their consideration.

Opponents: None.

Chairman Marks closed the Public Hearing.

By motion of Vice-Chair Pugh and with the following vote, the Board approved Special Exception Request #2015-10 with conditions as recommend by the Planning Commission.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

- C. Special Exception Request #2015-11 - Request by Patricia McAdams Gibbons for a special exception request in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a venue for weddings as well as short term tourist rental of a dwelling (vacation rental). The parcel is located at 1769 High Peak Road and is further identified as tax map number 107-A-35.

Mr. Bryant presented his report to the Board regarding Special Exception Request #2015-11 to allow a venue for weddings and short term vacation rental located at 1769 High Peak Road. Mr. Bryant advised on December 17, 2015 the Planning Commission recommended approval of the request with six conditions: lighting, parking, entrance, sewerage facilities, short term tourist rental and a safety fence.

Mr. Bryant explained he and the applicant are working with VDOT regarding the entrance and the applicant has met all requirements that regulate the short-term rental. A safety fence will be erected around the pool to meet the Virginia State Building Code. Mr. Bryant recommended the Board approve the special exception request with the conditions recommended by Planning Commission

Chairman Marks opened the Public Hearing.

Proponents: Patricia McAdams Gibbons. Ms. Gibbons addressed the Board and explained each of the conditions outlined by the Planning Commission. Ms. Gibbons stated the lighting issue has been taken care of and there is ample parking. She explained there will not be large events held and that the primary purpose is for vacation rental and generation of income. Ms. Gibbons said she has been in contact with VDOT and is working with Mr. Bryant. Ms. Gibbons advised the sewerage facilities are approved and provisions have been made to erect a safety fence around pool in April that would meet State code.

Opponents: None.

Chairman Marks closed the Public Hearing.

Vice-Chair Pugh stated he is aware the Economic Development Authority is looking for rental rooms and he appreciated Ms. Gibbons opening her property to this type of business.

By motion of Supervisor Ayers and with the following vote, the Board approved Special Exception Request #2015-11 with the conditions recommended by the Planning Commission.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

**VI. Consent Agenda**

- A. Minutes – December 10, 2015 and December 15, 2015
- B. FY16 Appropriation of Revenue
- C. FY16 Appropriation – Animal Shelter/Repair and Maintenance
- D. Refund of excess taxes paid by Hill Hardware

By motion of Supervisor Ayers and with the following vote, the Board approved all items on the Consent Agenda

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

**VII. Special Presentations**

- A. Second Stage | Amherst – 2015 Year-end Report

Ms. Suny Monk, representing the Board of Second Stage|Amherst, addressed the Board and provided a 2015 End-of-Season Report. Ms. Monk presented an overview of all projects and improvements made to the church building and a visual presentation.

Ms. Monk presented the Board the rent payment for next year.

Chairman Marks complimented Ms. Monk on the success of Second Stage|Amherst.

Vice-Chair Pugh said Second Stage|Amherst has done a wonderful job and hoped to see it continue to grow.

**VIII. Old Business**

- A. Planning/Zoning – Wireless Communications facility at Elon Elementary School and special public comment period.

Mr. Bryant presented his staff report to the Board and summarized the following: On November 9, 2015 Milestone Communications Management III, Inc. submitted an application for the construction of a wireless communications facility at 147 Younger Drive (Elon Elementary School). The Planning Commission met on December 17, 2015, to determine whether the proposed cell tower is in substantial accord with the County's Comprehensive Plan pursuant to Virginia Code §15.2-2232. After a public hearing, the Planning Commission determined by a 4-1 vote that the proposed wireless communications facility at Elon Elementary school is substantially in accord with the Plan.

Mr. Bryant recommended the Board accept the Planning Commission's recommendation that the proposed wireless communications facility at Elon Elementary School is in substantial accord with the Comprehensive Plan.

Chairman Marks asked if anyone representing Milestone would come forward and address the Board. The following individuals came forward: Mr. Hershel Keller, attorney representing

Milestone; Mr. Leonard Forkas, Jr., President and CEO of Milestone Communication and Mr. Trent Snarr, Consulting Engineer with NB&C.

Mr. Keller presented his report and explained that Milestone partners with local governments (school boards) to develop a revenue share with them. Mr. Keller said that Milestone approached the County and sought approval of the School Board. Mr. Keller stated the draft lease is ready for signatures, the site plan has been approved, the Planning Commission voted twice and approved, and now the matter lies with the Board of Supervisors. Mr. Keller said Milestone does comply with the County's ordinance and is substantially in accord with the Comprehensive Plan.

Mr. Leonard Forkas, Jr., President of Milestone addressed the Board and stated the issue is not about dropping calls but about providing data and high speed internet where people live and work. This is based on population density and those who are using the network. It is also based on complaints due to lack of connectivity and low speeds and much analysis by Milestone.

Chairman Marks commented that the issue is not based on the expansion of the service but the expansion of the capacity in that area.

Mr. Forkas acknowledge this and advised Milestone is looking at the future growth of the network and consumption of these services.

Chairman Marks opened the comment section and asked folks to limit their comments to three minutes.

Mr. James H. Massie of Madison Heights, Virginia, addressed the Board and voiced his opposition to the cell tower. Mr. Massie was concerned for the safety and welfare of the children and believed the County Attorney needed to advise the Board that sovereign immunity can be pierced when you understand there are alternate sites. Mr. Massie remarked that homeowners will have their property devalued by 15-20%. Mr. Massie remarked there are other places to put this tower and likened this to an eminent domain action without recourse from these homeowners.

Ms. Florence F. Nixon of Madison Heights, Virginia, addressed the Board and said she understood that some people want better cell service. She used her cell phone and called around and messages were very clear. She believed that some people have equipment issues. Ms. Nixon said the cell tower will be very visual and requested an alternative cell tower be put on Monacan Park Road that should give better coverage at and near the river.

Mr. Holcomb Nixon of Madison Heights, Virginia, addressed the Board and said Milestone wanted easements around the school property with a service road one-quarter mile and listed as an industrial site on school property. Mr. Nixon said that industrial site will generate traffic and requested the Board to deny the request to put the tower on school property and to look at alternative sites.

Ms. Tina Smith of Madison Heights, Virginia, addressed the Board and stated she moved to Camden Drive ten years ago because of the school district and great neighbors. Ms. Smith believed that people who want this do not live in this neighborhood or have children at this school. Ms. Smith said the Board has been told of an alternative location and a large number of folks against this are at the meeting. Ms. Smith believed that the School Board worked on moving forward with Milestone instead of working on issues that are more important.

Mr. Alan Nixon of Madison Heights, Virginia, addressed the Board and stated he believed the Comprehensive Plan has some grey areas, vague interpretation and contradictions. He does not believe the money is a significant amount in the budget or worth the upset caused in the community for the defacing of the property. Mr. Nixon said the number of people who have turned out at these meetings in opposition should not be overridden and urged the Board to look at an alternative site that has been offered.

Ms. Susan Cash of Madison Heights, Virginia, addressed the Board and stated she is here to support this tower. Ms. Cash stated she has reviewed the Comprehensive Plan and agreed with Mr. Bryant that the Board should support the Planning Commission's recommendation. Ms. Cash said that without reliable access to broadband and much needed access to residents, denying the application will create a negative impact on attracting new business to Amherst County. Ms. Cash urged the Board to accept the cell tower site.

Mr. Ted Campbell of Madison Heights, Virginia, addressed the Board and voiced his concern regarding the Planning Commission's and School Board's decision to allow a cell tower to be placed on the grounds of Elon Elementary School. Mr. Campbell said the voices of the majority were not heard and requested the Board listen to the voices of the citizens and to overturn the Planning Commission's decision that has created a division within this community.

Ms. Melanie Harris, Madison Heights, Virginia, addressed the Board and expressed her opposition to the cell tower on Elon Elementary School. Ms. Harris stated her mother has offered her farm as a potential site for the cell tower. Ms. Harris said she is concerned for the safety of the kids. Ms. Harris stated that Milestone informed her they only work with schools and not private individuals.

Mr. Kenny Smith of Madison Heights, Virginia, addressed the Board and voiced his opposition to the cell tower. Mr. Smith provided a map to the Board that showed no gap in service from Verizon.

Ms. Abby Thompson of Madison Heights, Virginia, addressed the Board and stated she believed the location of the cell tower at Elon Elementary School is not in accord and does not address future land use. Ms. Thompson said it was a by-right site and there are alternative sites to meet the broadband needs. She asked the Board to consider this and the citizens opposed as well as school and safety issues for the children.

Mr. Jim Thompson of Madison Heights, Virginia, addressed the Board and said this is not in substantial accord with the Comprehensive Plan.

Ms. Promise Campbell of Madison Heights, Virginia, addressed the Board and stated her opposition to the tower.

Mr. Barry Turner of Elon, Virginia, addressed the Board and requested the Board put into place a consideration that no cell tower be constructed on any school facilities in the County. Mr. Turner said this has become a very emotional issue to all neighbors to remain civil and work together for the betterment of our community.

Mr. Jason Ferguson of Madison Heights, Virginia, addressed the Board and asked the Board to consider a second site before making a decision.

Mr. Clay Campbell of Madison Heights, Virginia, addressed the Board and voiced his opposition and asked the Board not to approve this.



Ms. Leslie McPhatter addressed the Board and asked the Board to accept the proposal for the tower. Ms. McPhatter thanked the members and the Planning Commission and asserted they have done their due diligence. Ms. McPhatter stated this is an opportunity to create revenue and move forward and it fits in with the Comprehensive Plan.

Mr. Jay Campbell addressed the Board and asked the Board to take in consideration all those opposed and vote against cell tower.

Chairman Marks stated he appreciated all of the citizens who expressed their opinion.

Supervisor Ayers made several comments regarding the public safety concern, the Comprehensive Plan, the strong community in the Village of Elon and the marketability of real estate in that area. Supervisor Ayers questioned that the money the school system would receive from the tower was worth the negative impact for this community.

Supervisor Ayers made the following motion:

I move to overrule the Planning Commission's determination that the proposed wireless communications facility at Elon Elementary School is in "substantial accord" with the Amherst County Comprehensive Plan, and deny the project application, for the following reasons:

1. First, the evidence of record does not show that the proposed project will advance the goals and objectives of the Comprehensive Plan identified by the Planning Commission, specifically:
  - It is not certain that any provider will locate on the facility and there is no evidence that services by the only known provider that may locate on the facility would help facilitate and further emergency communications in the County.
  - There is little likelihood of a positive impact on economic development because the nature of the communications arrays that may locate on the facility are unknown, and the area that would be served by the only known provider that may locate on this facility is predominately A-1, a district which the Amherst County Zoning Ordinance describes as being intended "to accommodate farming, forestry and limited residential use."
2. Second, the evidence of record shows that the proposed project is not in substantial accord with critical elements of the Comprehensive Plan, specifically:
  - Goals connected to cultural resources and aesthetics (Comp plan page 122), intended to preserve and improve the aesthetics of Amherst County will not be achieved. The proposed structure will tower over the school and the surrounding homes and is not in harmony with the neighboring residential community, thus inconsistent with Goal 1, objective 1 (improving the appearance of the County's built environment).
  - Cultural resources and aesthetics, Goal 3, Objective 1, intended to identify and preserve historical sites: The 97 year old Elon Village Library, which is directly in the viewshed of, and sits in close proximity to, the site of the proposed tower, is in an active state for approval by the Department of Historic Resources for the Virginia Landmarks Register and the National Register of Historic Places.
3. Third, there is substantial community opposition to the project, evidenced by extensive public participation in meetings on the project before the Board and the Planning Commission, and by the petition signed by approximately 230 people.



4. Fourth, it appears from the evidence of record that the applicant has not given sufficient consideration to an alternate site that may offer better coverage for communications in a manner more consistent with the requirements of the Comprehensive Plan.

Supervisor Tucker commented that Supervisor Ayers' motion was well stated. Supervisor Tucker expressed she has been an advocate of access to broadband for a number of years in Amherst County and is in strong support of not having a cell tower at Elon Elementary School. However, Supervisor Tucker stated the issue tonight is if this is in substantial accord with Comprehensive Plan and this is what the Board has to vote on.

Supervisor Tucker said if we decide we do not want a cell tower on school property and we have to amend the Comprehensive Plan, she cautioned it may come to a point that cell tower providers will not want to come to Amherst County. Supervisor Tucker remarked if the County does not get more businesses to come then our schools will ultimately start to fail. Supervisor Tucker said she is a firm believer in the art of compromise.

Supervisor Campbell commented that broadband and cell service was definitely needed there. He further stated there was an option of an alternative site and also realized the schools need for money; however, was concerned the tower would affect property values.

Vice-Chair Pugh said he attended all of the Planning Commission meetings and heard about this issue for months as well as from citizens. Vice-Chair Pugh said that Supervisor Ayers "hit the nail on the head" and to also take into account the 230 people who signed the petition. Vice-Chair Pugh said he is ready to move forward.

Chairman Marks remarked that Amherst County has not been adverse to cell towers; however, he does have a problem with this particular place for this cell tower.

Chairman Marks asked the Board if they were ready to vote.

Chairman Marks asked Ms. Bowyer with regard to the provision at the end of this meeting for a closed session. Ms. Bowyer stated the Board would amend the agenda to remove the closed session.

By motion of Supervisor Ayers and with the following vote, the Board voted to overrule the Planning Commission's determination that the proposed wireless communications facility at Elon Elementary School is in "substantial accord" with the Amherst County Comprehensive Plan, and deny the project application, for the following reasons:

1. First, the evidence of record does not show that the proposed project will advance the goals and objectives of the Comprehensive Plan identified by the Planning Commission, specifically:
  - It is not certain that any provider will locate on the facility and there is no evidence that services by the only known provider that may locate on the facility would help facilitate and further emergency communications in the County.
  - There is little likelihood of a positive impact on economic development because the nature of the communications arrays that may locate on the facility are unknown, and the area that would be served by the only known provider that may locate on this facility is predominately A-1, a district which the Amherst County Zoning Ordinance

describes as being intended "to accommodate farming, forestry and limited residential use."

2. Second, the evidence of record shows that the proposed project is not in substantial accord with critical elements of the Comprehensive Plan, specifically:

- Goals connected to cultural resources and aesthetics (Comp plan page 122), intended to preserve and improve the aesthetics of Amherst County will not be achieved. The proposed structure will tower over the school and the surrounding homes and is not in harmony with the neighboring residential community, thus inconsistent with Goal 1, objective 1 (improving the appearance of the County's built environment).
- Cultural resources and aesthetics, Goal 3, Objective 1, intended to identify and preserve historical sites: The 97 year old Elon Village Library, which is directly in the viewshed of, and sits in close proximity to, the site of the proposed tower, is in an active state for approval by the Department of Historic Resources for the Virginia Landmarks Register and the National Register of Historic Places.

3. Third, there is substantial community opposition to the project, evidenced by extensive public participation in meetings on the project before the Board and the Planning Commission, and by the petition signed by approximately 230 people.

4. Fourth, it appears from the evidence of record that the applicant has not given sufficient consideration to an alternate site that may offer better coverage for communications in a manner more consistent with the requirements of the Comprehensive Plan.

AYE: Mr. Marks, Mr. Pugh and Mr. Ayers  
NAY: Mrs. Tucker and Mr. Campbell  
ABSENT: None

By motion of Chairman Marks and with the following vote, the Board amended the Agenda to eliminate XIV. Closed Session.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

**IX. County Administrator's Report**

**A. 2017 Supplemental Budget Requests and Non-profit Funding Requests**

Mr. Rodgers addressed the Board and asked the Board to prioritize the items listed on the 2017 Supplemental Budget request sheet and to return those sheets to him.

Mr. Rodgers explained the non-profit funding requests are included in the Board's package for information and that he will build those requests into the budget.

Vice-Chair Pugh requested information on ridership from GLTC in Madison Heights and questioned why GLTC was asking for \$145,000 more than last year. Vice-Chair Pugh said he would like to have more information before making a decision.

Mr. Rodgers said he had presented several questions related to bus routes and other sources of funding to GLTC. He advised the Board he would get more information from GLTC.

Mr. Rodgers asked the Board if they had any questions to email those questions to him or call staff for answers.

**B. Appointment of Board Representative to Workforce Development Council**

Mr. Rodgers addressed the Board and provided information regarding the Workforce Development Council. Mr. Rodgers advised the Council meets once year and at that meeting approves their budget.

Chairman Marks advised he would serve as the representative.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed Chairman Marks to serve as its representative to the Region 2000 Workforce Development Area Council.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

C. Appointment of Board Representative to Local Government Council

Mr. Rodgers addressed the Board regarding an appointment of a Board representative to the Local Government Council. Mr. Rodgers said he has been appointed to serve as the Chief Appointed Official; however, explained an elected member of the Board must also be appointed to represent the County.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed Supervisor Campbell to serve as its representative to the Region 2000 Local Government Council.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

D. Boards/Commissions/Committees – Appointments to the Economic Development Authority Board for District 4 and an At-large seat

Mr. Rodgers advised the Board that the terms of William Robertson, District 4 representative and Edgar Kinnier, At-Large representative on the EDA Board expired on January 18, 2016. Both Mr. Roberston and Mr. Kinnier expressed interest in being reappointed to their respective seats.

Mr. Rodgers said his office received an email dated January 19, 2016 from Mr. Terry Morcom who expressed interest in a position on the EDA Board; however, he did not indicate which seat.

Vice Chair Pugh asked if there were cut-off dates for receiving letters. Mr. Rodgers stated there are deadlines for submission of letters of interest and that the date for these two vacancies was January 5, 2016.

Supervisor Ayers asked if the notice was advertised in the newspaper and posted on the County's website. Mr. Rodgers said the vacancy was advertised and followed procedure.

Chairman Marks said that since Mr. Robertson was the only candidate for the District 4 seat, he was in favor of making this appointment.

By motion of Chairman Marks and with the following vote, the Board reappointed William Robertson as District 4 representative to the Economic Development Authority Board.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell  
NAY: None  
ABSENT: None

Supervisor Tucker stated she would like to offer Mr. Kinnier the At-Large seat as he is the current Treasurer for the EDA.

By motion of Supervisor Tucker and with the following motion, the Board reappointed Edgar Kinnier as the At-large representative to the Economic Development Authority Board.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell

NAY: None

ABSENT: None

**X. Liaison and Committee Reports**

**XI. Department Reports**

A. Building Safety & Inspections – Monthly Report December 2015

For information only.

B. Robert E. Lee Soil & Water Conservation District – Amherst Watershed Coordinator 2016 January Quarterly Report

For information only.

**XII. Citizen Comment**

Mr. Jim Thompson of Madison Heights, Virginia, addressed the Board, thanked Board members for their decision with regard to the cell tower at Elon Elementary School and expressed his appreciation to the Board for listening to the citizens.

Mr. Alan Nixon of Monroe, Virginia, thanked the Board for their decision.

Mr. Ted Campbell of Madison Heights, Virginia, expressed his appreciation to the Board for the hard work they do and appreciated Supervisor Ayers' time and consideration as well as all of the Board, School Board and Planning Commission members

Florence and Holcomb Nixon of Madison Heights, Virginia, thanked the Board for the decision they made.

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

Supervisor Campbell had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

Supervisor Tucker thanked all residents who came out and made their voices heard regarding the cell tower issue at Elon Elementary. Supervisor Tucker thanked the staff for all the work that went into this.

Chairman Marks said he had the opportunity to attend the grand opening of the new Johnson's Health Center at Amelon Square. Chairman Marks commented how fortunate it is to have this facility in the County and a welcomed addition.

**XIV. Closed Session**

~~A. Virginia Code § 2.2-3711 (A)(7): Consult with the County Attorney regarding specific legal matters pertaining to the Board's consideration of the Elon cell tower project~~

**XV. Adjournment**

By motion of Chairman Marks and with the following vote, the Board moved to adjourn.

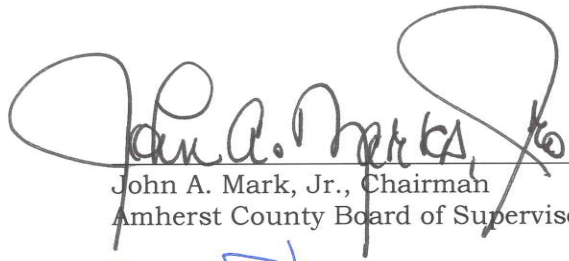
AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell



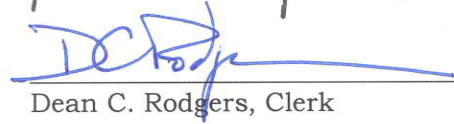
**BOOK 35**

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NAY: None  
ABSENT: None



John A. Mark, Jr., Chairman  
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors  
County Ordinance No. 2016-0002**

**AN ORDINANCE, NO. 2016-0002**

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 certain County entities, for specified reasons, by majority vote of the Board of Supervisors.

\_\_\_\_\_  
Approved as to form and legality by the County Attorney

\_\_\_\_\_  
**FIRST READING: January 5, 2016**  
**PUBLIC HEARING: January 19, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That section 2-11 is hereby added to Article I of Chapter 2 of the Code of the County of Amherst, as follows:**

**Sec. 2-11. – Removal of appointee by the Board of Supervisors.**

A. The Board of Supervisors may by majority vote remove or suspend appointees to the following bodies, prior to the appointee's completion of an initial or subsequent term: the Agricultural Committee; the Board of Assessors; the Building Appeals Board; the Building Committee; the Economic Development Authority Board; the Library Board; the Parks, Recreation, and Cultural Development Board; the Planning Commission; and the Social Services Board. Appointees may be removed (i) due to their failure to continue to meet the criteria for appointment or (ii) for malfeasance or neglect of duty, including but not limited to the following:

1. Missing a majority of regularly scheduled meetings in one year, except that a member of the Planning Commission may be removed from office if he or she is absent from any three consecutive Commission meetings, or is absent from any four meetings of the Commission within any 12-month period;

2. Failing to declare significant conflicts of interest;

3. Using the appointment for personal gain;

4. Failing to pay debts owed to Amherst County; and

5. Being convicted of a felony or any crime that impairs the appointee's ability to carry out the duties of his or her appointment or otherwise represent Amherst County.

B. Removal of an appointee shall be accomplished using the following process:

1. The County Attorney shall draft a resolution, for consideration in closed session as a personnel record, identifying the appointee and the entity to which he or she is appointed, and specifying the grounds for removal.

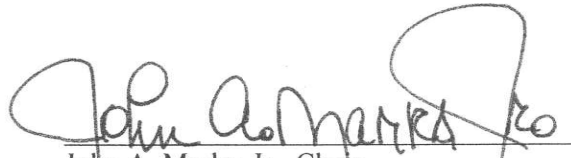
2. The County Administrator shall provide the affected appointee with the resolution and request a written response within 15 days after the date the resolution is delivered.

3. The resolution and any response shall be presented to the Board for discussion in closed session. The Board may request additional information from staff or may invite the appointee into closed session for discussion of the resolution.


4. Removal of an appointee may be effected only by adoption of the resolution.

**§ 2. That this ordinance shall be in force and effect upon adoption.**

Adopted this 19<sup>th</sup> day of January, 2016.

  
John A. Marks, Jr., Chair  
Amherst County Board of Supervisors

**ATTEST:**

  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0