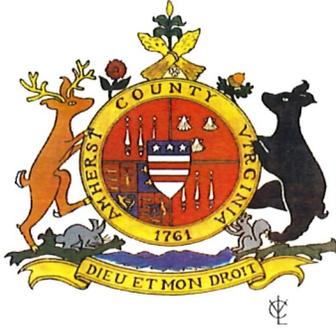


**Board of Supervisors**

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**

**June 21, 2016**

Administration Building - 153 Washington Street - School Board Room  
Amherst, Virginia 24521  
7:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Special Presentation**
  - A. Davenport & Company - School Infrastructure Financing Plan
- VI. Public Hearings**
  - A. Ordinance No. 2016-0007, amending § 919.08 of Appendix A to the Amherst County Code to modify the permitting process governing personal wireless service facilities.
  - B. Ordinance No. 2016-0008, amending § 904 of Appendix A to the Amherst County Code, specifically subsection 904.02, to increase the maximum stay on any one travel trailer site from 45 to 120 days.
  - C. Consideration of Candidates for School Board
    - i. Introduction
    - ii. Interviews
      - a. Terry C. Bateman
      - b. Joseph L. Bondurant
      - c. Jason Canipe
      - d. Angela Hamilton
      - e. Lisa Lloyd
      - f. Francisco D. Mayo
      - g. Edward Olivares
      - h. Craig S. Terwilliger
      - i. Frankie Dawn Wooten
    - iii. Public Comment
- VII. Consent Agenda**
  - A. Minutes – May 17, 2016 and May 31, 2016
  - B. Accounting - FY16 Appropriation of Revenue
  - C. Resolution 2016-0018-R, a resolution, approving the Secondary Six-Year Road Plan covering the period 2017 through 2022, and a Construction Priority List for fiscal year 2017.

D. Resolution 2016-0019-R, a resolution, congratulating Sweet Briar College on a successful year, celebrating the renewed connection between the College and the County, reaffirming the County's commemoration of June 23<sup>rd</sup> as Sweet Briar College Day, and expressing the County's continuing desire for future collaborative involvement in Sweet Briar College's operation.

**VIII. New Business**

A. Appointment of FOIA Officer

**IX. County Administrator's Report**

A. Project Status Report

**X. Department Reports**

A. Accounting - FY2016 Assigned Funds

**XI. Citizen Comment**

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

**XIII. Closed Session**

A. Virginia Code § 2.2-3711(A)(1), to discuss appointment of School Board members.

**XIV. Adjournment**

**MINUTES**

At a regular meeting of the Amherst County Board of Supervisors held at the Amherst County Administration Building on Tuesday, the 21<sup>st</sup> day of June, 2016, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT:	John A. Marks, Jr. Chairman	ABSENT: None
	David W. Pugh, Jr., Vice-Chair	
	Claudia D. Tucker, Supervisor	
	L. J. Ayers, III, Supervisor	
	Kenneth M. Campbell, Supervisor	

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

OTHERS PRESENT: Planning/Zoning Director Jeremy S. 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 led the Invocation and Pledge of Allegiance.

**III. Approval of Agenda**

By motion of Vice-Chair Pugh and with the following vote, the Board approved the Agenda for June 21, 2016 and noted the two additions to the list of School Board candidates, Clayton Campbell and Abby Thompson.

**IV. Citizen Comment**

There were no citizen comments.

**V. Special Presentation**

A. Davenport & Company - School Infrastructure Financing Plan

Mr. Roland Kooch of Davenport & Company addressed the Board and explained a plan of finance for the School Infrastructure Project. Mr. Kooch provided discussion materials of the Bank RFP Results that involved bank financing and low cost savings programs through the VASAVES program.

Mr. Kooch stated that Davenport recommended that "scenario one" from Pinnacle Public Finance would be the best proposal for Amherst County.

County Attorney Ellen Bowyer explained to the Board that the resolution will capture all of the financing terms and requirements and authorize staff to take all the actions necessary for implementation.

By motion of Supervisor Tucker and with the following vote, the Board accepted the Pinnacle Public Finance proposal for "scenario one" financing of the School Infrastructure Project.

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

**VI. Public Hearings**

A. Ordinance No. 2016-0007, amending § 919.08 of Appendix A to the Amherst County Code to modify the permitting process governing personal wireless service facilities.

Mr. Jeremy Bryant, Planning/Zoning Director presented to the Board Ordinance 2016-0007 and explained several modifications to Section 919 of the Amherst County Code. Those modifications would require that newly constructed towers which are currently permitted uses would be considered only as special exception uses. Mr. Bryant stated that if the height of an existing tower was increased, it would also require a special exception permit.

Mr. Rodgers explained to the Board that it was not staff's recommendation that this ordinance be adopted. Mr. Rodgers said in order to make Amherst County more business-friendly, he recommended the ordinance not be adopted. If the Board desired to place more restrictions on cell towers it could be done solely in the P-1 District.

Supervisor Campbell agreed with Mr. Rodgers.

Chairman Marks opened the Public Hearing

Mr. Jim Thompson of Madison Heights, Virginia, addressed the Board and said he supported the changes to the ordinance from by-right to special exception.

Ms. Abby Thompson of Madison Heights, Virginia, addressed the Board and said she supported the ordinance change from by-right to special exception.

Mr. Ted Campbell of Madison Heights, Virginia, addressed the Board and said citizens have rights and hoped the Board would adopt this ordinance with the special exception on the cell towers.

Mr. Mike Russell of Amherst, Virginia, addressed the Board and said he currently serves on the Economic Development Authority Board. Mr. Russell stated that many businesses in the County do not have access to the internet and believed it was essential to provide cell service to rural areas and that limited broadband has hurt business.

Mr. Derin Foor of Amherst, Virginia, addressed the Board and said he was not speaking as a member of the Planning Commission but as a citizen. Mr. Foor asked the Board deny the Planning Commission's recommendation. Mr. Foor said he did not believe there was any consideration how this will affect businesses and would like to revisit this ordinance with input from the Economic Development Authority Board. Mr. Foor requested that the Board consider appointing a liaison from the Planning Commission to the EDA Board and believed the input would be very beneficial.

Mr. Holcombe Nixon of Madison Heights, Virginia addressed the Board stating he was in favor of economic development but not in favor of HB 883. Mr. Nixon asked the Board to approve the suggested ordinance changes.

Mr. Calvin Kennon of Madison Heights, Virginia addressed the Board and stated he serves on the EDA Board. Mr. Kennon said the EDA is working with a several businesses struggling with internet service. He said the County needs connectivity with 25% of businesses working from their homes and not having internet connections. Mr. Kennon said he does not approve of the ordinance in its current form.

Ms. Leecy Fink of Madison Heights, Virginia addressed the Board and asked the Board not to amend the cell tower ordinance. Ms. Fink said she supports the County moving forward by providing internet for jobs and businesses.

Mr. Jason Ferguson of Madison Heights, Virginia addressed the Board and said citizens should have some say in what happens in their community and supported this ordinance.

Ms. Florence Nixon of Madison Heights, Virginia addressed the Board and supported the ordinance.

Mr. James Massie of Madison Heights, Virginia addressed the Board and stated citizens need to have a say and supported this ordinance.

Mr. Randy Summers of Madison Heights, Virginia addressed the Board and asked the Board to vote against this ordinance. Mr. Summers stated we need to keep Amherst County business-friendly and recommended the Board vote against the ordinance.

Ms. Jennifer Cumby of Roseland, Virginia addressed the Board and said that her cell phone coverage is so spotty she cannot use her phone except at the end of her driveway. Ms. Cumby said the County should be able to offer citizens internet access and asked the Board to vote against this ordinance or table it and think more about this issue.

Mr. Tracy Sprouse of Amherst, Virginia addressed the Board and stated he lives less than one mile from a cell tower and has no service. Mr. Sprouse said he is against the ordinance as it is written and asked the Board to table the ordinance and give it more thought.

Sabrina of Madison Heights, Virginia addressed the Board and explained that she operates a business with 25 (plus) drivers that cover Amherst County. She operates a service business and has issues reaching her employees using cell phones due to spotty coverage in the County.

Chairman Marks closed the Public Hearing.

Chairman Marks read a portion of the language of House Bill 883, Telecommunication Towers; in accordance with the Comprehensive Plan that states:

*“Comprehensive plan; telecommunications towers. Provides that a proposed telecommunications tower, and certain other facilities, shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.”*

Supervisor Tucker stated that when this ordinance came back from the Planning Commission, she asked the County Administrator to do an analysis of Amherst County versus neighboring counties. This analysis showed Amherst County would be at the bottom of the list if the ordinance was passed.

Supervisor Tucker said that HB 883 was not a big business bill but was to remove barriers in the Commonwealth for telecommunication and make the entire Commonwealth more business friendly. It was a pro business bill that made it through the House 71/27 and Senate 40/0.

Supervisor Tucker said she supported sending this ordinance back to Planning Commission and would like the EDA to weigh in on it because of the necessity for Amherst County to grow.

Supervisor Campbell stated he was in agreement to send the ordinance back to the Planning Commission with input from the EDA.

Vice-Chair Pugh stated this ordinance allows citizens to be heard and cell tower companies to be held accountable. The Board owed the citizens of the County an opportunity to voice their concerns. Vice-Chair Pugh stated he supported this ordinance.

Supervisor Ayers commented there are pros and cons to this issue and that Amherst County is in dire need of economic development. Supervisor Ayers said by using the WISP system and Public Safety towers would support 92%-94% of broadband coverage. Supervisors Ayers said he does not support issues that take away the voice of citizens.

Chairman Marks agreed that the special exception provided citizens of the County the opportunity to voice their concerns where towers are placed. Chairman Marks stated he was in favor of the ordinance as written.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted Ordinance 2016-0007. **(See Attachment 1)**

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

B. Ordinance No. 2016-0008, amending § 904 of Appendix A to the Amherst County Code, specifically subsection 904.02, to increase the maximum stay on any one travel trailer site from 45 to 120 days.

Mr. Jeremy Bryant, Planning/Zoning Director presented to the Board his report to consider increasing the maximum stay on any one travel trailer site from 45 to 120 days.

The Planning Commission determined that this change would benefit local campgrounds by allowing campers to stay longer without adversely affecting the objective of the zoning regulation and recommended approval of the ordinance to increase the stay to 120 days. Mr. Bryant stated that one local campground was in favor of the ordinance.

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 2016-0008. (See Attachment 2)

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

C. Consideration of Candidates for School Board

i. Introduction

Chairman Marks stated the Board would be holding a public hearing to consider the appointment of County residents to two at-large seats on the Amherst County School Board. The closing date for applications was 7:00 p.m. this evening and as of that time the Board had eleven candidates to consider.

Chairman Marks read the following names in alphabetical order: Joseph L. Bondurant; Clayton D. Campbell; Jason Canipe; Michael Esposito; Angela Hamilton; Lisa Lloyd; Francisco D. Mayo; Edward Olivares; Craig S. Terwilliger; Abby Thompson; and Frankie Dawn Wooten.

Chairman Marks said the Board will interview each candidate in open session in alphabetical order and that candidates will remain outside of the Board meeting room prior to their interview. Once their interview is complete, candidates are welcome to remain in the Board meeting room. The Board will then solicit public comment from citizens.

Chairman Marks further stated the Board will meet in closed session to discuss the candidates. Chairman Marks advised that pursuant to State law, the Board must wait seven days to make the actual appointments. The Board will then vote on the appointments on June 29, 2016, at a meeting scheduled to begin at 9:00 a.m.

Chairman Marks asked that all candidates be escorted from the room and would individually be called back to the Board room for their interview.

Chairman Marks opened the public hearing:

ii. Interviews

The Board interviewed each applicant.

iii. Public Comment

Chairman Marks opened the Public Comment session.

Ms. Sandy Jones of Amherst, Virginia addressed the Board and stated she believed Ms. Thompson and Mr. Mayo clearly demonstrated that both candidates were highly qualified. Ms. Jones believed the School Board should be diverse said these two individuals are the best candidates for the job and should be appointed.

Mr. Jim Thompson addressed the Board and recommended Clay Campbell for this position.

Ms. Abbey Thompson addressed the Board and recommended Clay Campbell and Francisco Mayo for the two at-large positions.

Mr. Clay Campbell addressed the Board and recommended Abbey Thompson for the position.

Chairman Marks closed the Public Hearing.

Chairman Marks stated the actual appointments will be made at the June 29<sup>th</sup> meeting beginning at 9:00 a.m.

**VII. Consent Agenda**

A. Minutes – May 17, 2016 and May 31, 2016

B. Accounting - FY16 Appropriation of Revenue

C. Resolution 2016-0018-R, a resolution, approving the Secondary Six-Year Road Plan covering the period 2017 through 2022, and a Construction Priority List for fiscal year 2017.

D. Resolution 2016-0019-R, a resolution, congratulating Sweet Briar College on a successful year, celebrating the renewed connection between the College and the County, reaffirming the County's commemoration of June 23<sup>rd</sup> as Sweet Briar College Day, and expressing the County's continuing desire for future collaborative involvement in Sweet Briar College's operation.

By motion of Supervisor Tucker and with the following vote, the Board approved Items A, B, C and D as listed on the Consent Agenda for June 21, 2016. **(See Attachment 3, Resolution 2016-0018-R and Attachment 4, Resolution 2016-0019-R)**

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

NAY: None

ABSTAIN: None

**VIII. New Business**

A. Appointment of FOIA Officer

Mr. Rodgers addressed the Board and stated on July 1, 2016 the General Assembly passed HB 818 requiring local bodies post a FOIA Rights and Responsibilities document on their government website and to designate a FOIA Officer for the public requesting public records. Mr. Rodgers advised the FOIA Officer will serve the County as well as all Boards, Commissions and Committees that are appointed by the Board of Supervisors. Mr. Rodgers advised the Constitutionals will appoint their own FOIA Officers.

Mr. Rodgers recommended Ms. Yvette Humphrey to serve as the Amherst County FOIA Officer.

By motion of Vice-Chair Pugh and with the following vote, the Board approved the appointment of Ms. Yvette Humphrey as the Amherst County FOIA Officer.

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

NAY: None

ABSTAIN: None

**IX. County Administrator's Report**

A. Projects Status Report

Mr. Rodgers provided the Board an update regarding the Train Depot and said the mold removal has been completed and construction of Phase III will begin.

**X. Department Reports**

A. Accounting - FY2016 Assigned Funds

Mr. Rodgers addressed the Board and discussed various projects that funds were assigned to and would continue into 2017.

The Board discussed the EDA Feasibility Analysis and the Public Safety Incentives

By motion of Vice-Chair Pugh and with the following vote, the Board agreed that the FY2016 Assigned Funds of \$54,000 of grant matching funds for the EDA Feasibility Analysis and \$2,625 for Public Safety Incentives would not continue as assignments into FY17, and that those funds would drop back into the General Fund.

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

**XI. Citizen Comment**

There were no citizen comments.

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

Supervisor Campbell said he has received multiple phone calls concerning the closure of the Galts Mill dumpster site and commented that until the provision of extending the landfill hours is resolved the Board should not close this site now. Supervisor Campbell said he met with DEQ concerning the canal running along the railroad line that collects water and the mosquito problem. DEQ advised the County will need to take this up with Norfolk & Southern.

Mr. Rodgers remarked about creating a reward to Amherst County residents when citizens see non-county residents using these dumpsters.

Supervisor Ayers had no matter to discuss.

Supervisor Tucker said that she agreed with Mr. Derin Foor's comment to appoint a liaison from the Planning Commission to the EDA Board and asked that the County Administrator discuss this with the EDA and report back to Board of Supervisors.

Vice-Chair Pugh said he received a complaint regarding speeders on Melwood Drive in Madison Heights and requested a "Children At Play" sign be placed on this road.

Chairman Marks commented on the two positions upgraded from part-time to full time and asked if those ads had been published. Mr. Rodgers advised the ads were coming out this week.

Vice-Chair Pugh remarked about the salary for the HR position. Mr. Rodgers advised this position has been advertised and said the salary was advertised on the low end compared to what other localities are paying.

**XIII. Closed Session**

A. Virginia Code § 2.2-3711(A)(1), to discuss appointment of School Board members.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to the personnel exemption at § 2.2-3711 (A)(1) of the Code of Virginia to discuss appointment of School Board members.

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

Chairman Marks motioned to come out of closed session and was approved with the following vote:

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

NAY: None  
ABSTAIN: None

**CERTIFICATION OF CLOSED MEETING**

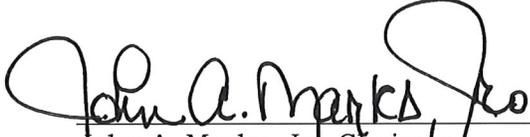
Supervisor Campbell moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mr. Campbell AYE  
Mr. Marks AYE  
Mr. Pugh AYE  
Mrs. Tucker AYE  
Mr. Ayers AYE

**XIV. Adjournment**

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

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

  
\_\_\_\_\_  
John A. Marks, Jr., Chairman  
Amherst County Board of Supervisors

  
\_\_\_\_\_  
Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors  
County Ordinance No. 2016-0007**

**AN ORDINANCE, NO. 2016-0007**

Amending § 919.08 of Appendix A to the Amherst County Code to modify the permitting process governing personal wireless service facilities.

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

\_\_\_\_\_  
**PUBLIC HEARING: Planning Commission, May 19, 2016**  
**FIRST READING: Board of Supervisors, June 7, 2016**  
**PUBLIC HEARING: Board of Supervisors, June 21, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

§ 1. That Section 919.08 of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:

**919.08. Review process**

- A. The zoning permitting process for sites not located in avoidance areas shall be as outlined in the following Facility Siting Table. The symbol "P" denotes a permitted by right use; the symbol "SE" denotes a special exception use.

FACILITY TYPE	TIER ONE AREAS (P-1, A-1, B-2, M-1 Districts)	TIER TWO AREAS (R-1, R-2, R-3, and Village Center Districts)
New construction – concealed; up to 150 feet	P <u>SE</u>	Not permitted
New construction - concealed; more than 150 feet	SE	Not permitted

New construction - not concealed; up to 120 feet	P <u>SE</u>	Not permitted
New construction - not concealed; 121 to 199 feet	SE	Not permitted
Attached Antenna; no increase in height	P	<p>P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p>SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet.</p> <p>SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
Attached Antenna; increase in height up to 120'; no increase in width of dish or parabolic antenna ("width") beyond 4'	P <u>SE</u>	P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.
Attached Antenna; increase in height above 120' and/or width greater than 4'	SE	<p>SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p>SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
Colocation on existing facility with no increase in height or width	P	<p>P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p>SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p>SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>

Colocation on existing facility requiring a 20' increase in height, up to 120' total height; no increase in width beyond 4'	P	P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.
Colocation on existing facility requiring a 20' increase or more in height, up to 121' to 199' in total height, and/or increase in width beyond 4'	SE	SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet
Combined antennas; no increase in height or width	P	P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet. SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet
Combined antennas with increase of 20' in height up to a total of 120', no increase in width	P	P: Placed on existing electrical utility or radio tower resulting in a height no greater than 120 feet.
Combined antennas with increase of 20' or more in height above 120' and/or an increase in width greater than 4'	SE	SE: Placed on existing electrical utility or radio tower resulting in a height between 121 and 199 feet SE: Placed on existing freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet
Replacement of antenna element w/out other changes	No zoning permit required.	No zoning permit required.

Replacement of antenna facility or other component of existing facility with no increase in height or width	P	<p>P: Replacement of attached antenna on existing electrical utility or radio tower resulting in a height no greater than 120 feet.</p> <p>P: Replacement of attached antenna on existing electrical utility or radio tower resulting in a height between 121 and 199 feet</p> <p>P: Replacement of attached antenna on existing, freestanding nonresidential structure or tower other than electrical utility or radio tower resulting in a height of up to 199 feet</p>
Replacement of antenna facility or other component of existing facility with increase in height up to 120' and no increase in width	P	Not permitted
Replacement of antenna facility or other component of existing facility with increase in height above 120' or in width greater than 4'	SE	Not permitted
Mitigation with no increase in height or width	P	P
Mitigation with increase in height up to 120 percent of the tallest tower or support structure in the facility	SE	SE

B. Permitted use permit applications. Permitted use permit applications are those seeking a zoning permit for a personal wireless service facility that:

- (1) Proposes development on a site not located in an avoidance area; and
- (2) Proposes for development in a Tier One area a facility that involves:
  - (i) ~~concealed new construction one hundred fifty (150) feet or fewer in height;~~
  - (ii) ~~new construction not concealed one hundred twenty (120) feet or fewer in height;~~
  - (iii) ~~attached antenna with no increase in height or width, or with increase in height up to one hundred twenty (120) feet and no increase in width;~~
  - (iii) collocation or combined antennas, with no increase in height or width, or with increase in height up to one hundred twenty (120) feet and no increase in width;

- (iv) (ii) replacement of antenna or other components of personal wireless service facility where no increase in the original dimensions of any part of the facility is proposed, or replacement with increase in height up to one hundred twenty (120) feet and no increase in width; or
  - (v) (iii) mitigation of an existing personal wireless service facility where no increase in the original dimensions of any part of the facility is proposed; or
- (3) Proposes for development in a Tier Two area a facility in which an attached antenna array and support equipment are placed on an existing electrical utility or radio tower resulting in a total height of one hundred twenty (120) feet or fewer feet.

Such applications shall be considered in accordance with the following procedures:

1. The zoning administrator or designee shall review the application, and submitted documents for compliance with all requirements of Section 919. The county may, in its discretion, obtain additional technical assistance to review and assess the technical merits of the documents.
  2. If the zoning administrator or designee determines the application and documentation meets all of the requirements of Section 919, he shall approve the application package and the applicant may apply for a building permit.
  3. If the zoning administrator or designee determines the application or documentation fails to meet all the requirements of Section 919, then he shall provide written notification to the applicant as to the materials which need to be amended or supplied for review. The applicant shall provide the zoning administrator or his designee any requested materials for review. This process shall continue until the zoning administrator or his designee has approved the application package, at which time the applicant may apply for a building permit.
  4. If the zoning administrator or designee determines that the application and documentation fail to meet the intent of Section 919, he may deny the application in writing.
  5. Appeals from a decision made by the zoning administrator shall be to the board of zoning appeals in accordance with Section 1006.
- C. Special exception permit applications. Special exception permit applications are those seeking a permit for a wireless facility that:
- (1) Proposes development on a site located in an avoidance area; or
  - (2) Proposes for development in a Tier One area a facility that involves a development other than those identified under subdivision (B)(2) of this subsection; or
  - (3) Proposes for development in a Tier Two area a facility that involves an antenna array and support equipment placed on (i) an existing electrical utility or radio tower than is between one hundred twenty (120) feet and one hundred ninety-nine (199) feet in height; or on (ii) an existing freestanding nonresidential structure that is up to one hundred ninety-nine (199) feet in height.

Such applications shall be processed as special exception permit applications in accordance with subsection 1003.03 of Appendix A to the County Code except that the applicable timeframes shall be

those identified in this subsection.

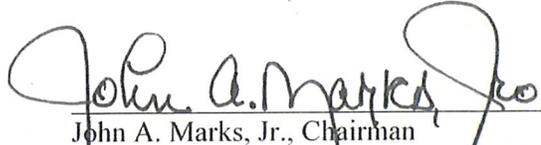
- D. Expert technical assistance. The county may require the applicant to pay for a technical review of any by right or special exception application by a third party expert selected by the county. Any such technical review may address matters including but not limited to (i) the extent to which a facility meets the definition of "concealed" in subsection 919.03; (ii) the question of whether a service area is underserved as per subsection 919.07(A)(2); (iii) the question of whether a facility must be located in an avoidance area as per subsection 919.07(D); (iv) the question of the necessary width of an antenna array as per subsection 919.04(D)(7); (v) the question of the necessity for new construction as per subsection 919.07(A)(2); and (vi) review of documentation submitted as part of any application for a personal wireless service facility. The fees for any such expert paid by the applicant shall be in addition to other applicable fees. The applicant shall make any additional information regarding the application available at the county's request.
- E. Applicable timeframes; decisions.
1. The county shall act on applications involving collocation within ninety (90) days of receipt of the application. Solely for purposes of calculating this timeframe under this subsection, "collocation" means the addition of an antenna to an existing tower or other structure that does not involve:
    - i. An increase in the existing height of the tower by the greater of (a) more than ten (10) percent, or (b) by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, except that neither limitation shall apply, and collocation may occur where the applicant demonstrates that a greater increase is necessary to avoid interference with existing antennas; or
    - ii. The installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4), or more than one (1) new equipment shelter; or
    - iii. The addition of an appurtenance to the body of the tower that would protrude from the edge of the tower the greater of (a) more than twenty (20) feet, or (b) more than the width of the tower structure at the level of the appurtenance, except that neither limitation shall apply, and collocation may occur where the applicant demonstrates that a greater increase in width is necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
    - iv. Excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.
  2. The county shall act on all other applications within one hundred fifty (150) days of receipt of the application.
  3. If the county notifies the applicant that the application is incomplete within thirty (30) days of receipt of the application, the time required to submit additional documentation necessary for a complete application shall not be included in the calculation of applicable timeframes.
  4. These timeframes may be extended by mutual consent of the applicant and the county.
  5. Any decision denying an application for a permit under Section 919 shall be in writing and

shall be supported by substantial evidence contained in the written record.

6. Decisions on all applications shall be consistent with the requirements of the Federal Tax Relief Act of 2012, enacted in February 2012.

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

Adopted this 21<sup>st</sup> day of June, 2016.

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

**ATTEST:**

  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 3

Nays 2

Abstentions 0



**Amherst County Board of Supervisors  
County Ordinance No. 2016-0008**

**AN ORDINANCE, NO. 2016-0008**

Amending § 904 of Appendix A to the Amherst County Code, specifically subsection 904.02, to increase the maximum stay on any one travel trailer site from 45 to 120 days.

Approved as to form and legality by the County Attorney

**PUBLIC HEARING: Planning Commission, May 19, 2016**  
**FIRST READING: Board of Supervisors, June 7, 2016**  
**PUBLIC HEARING: Board of Supervisors, June 21, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Section 904, specifically subsection 904.02, of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:**

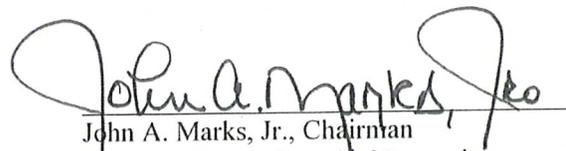
**904. - Travel trailer parks.**

*904.01 Intent.* The special provisions for recreation vehicle parks are designed to encourage the compatibility of these parks with surrounding land uses, maintain a safe and healthy atmosphere, minimize adverse environmental impacts and stabilize demand on local public services.

*904.02. Use.* Travel trailer parks shall be used only by travel trailers, pick-up coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes. The maximum stay on any one (1) travel trailer site within the park by an individual vehicular accommodation or tent shall be ~~forty five (45)~~ one hundred and twenty (120) days. The removal of wheels and placement of the unit on a foundation in such park is prohibited.

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

Adopted this 21<sup>st</sup> day of June, 2016.

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

ATTEST:



Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

**ADOPTED**

6/21/16



Amherst County Board of Supervisors  
County Resolution No. 2016-0018-R

For consideration on June 21, 2016

**A RESOLUTION, NO. 2016-0018-R**

A resolution, approving the Secondary Six-Year Road Plan covering the period 2017 through 2022, and a Construction Priority List for fiscal year 2017.

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

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

**I. That the Amherst County Board of Supervisors (“Board”) hereby adopts the Virginia Department of Transportation’s Secondary Six-Year Road Plan covering the period 2017 through 2022, and the Construction Priority List for fiscal year 2017, both as prepared for Amherst County, as follows:**

**WHEREAS**, Virginia Code § 33.2-358 provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-year Road Plan; and

**WHEREAS**, the Board had previously agreed to assist in preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2017 through 2022) as well as the Construction Priority List (Fiscal Year 2017) on May 17, 2016, duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

**WHEREAS**, Don Austin, Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-year Plan for Secondary Roads (2017 through 2022) and the Construction Priority List (Fiscal Year 2017) for Amherst County, at the May 17, 2016, public hearing; and

**WHEREAS**, that Six-year Plan for Secondary Roads (2017 through 2022) and the Construction Priority List (Fiscal Year 2017) for Amherst County are attached hereto as Exhibit A.

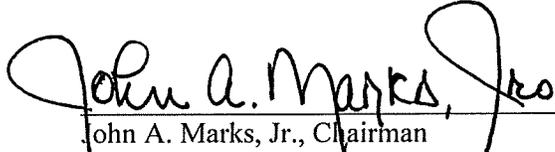
**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST, VIRGINIA:**

As the Plan and Priority List appear to be in the best interests of the secondary road system in Amherst County and of the citizens utilizing that secondary system, the Board of Supervisors hereby

approves the Secondary Six-Year Plan (2017 through 2022) and Construction Priority List (Fiscal Year 2017) as those were presented and modified at the public hearing on May 17, 2016.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 21<sup>st</sup> day of June, 2016.

  
\_\_\_\_\_  
John A. Marks, Jr., Chairman  
Amherst County Board of Supervisors

**ATTEST:**  
  
\_\_\_\_\_  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

Resolution No. 2016-0018-R  
 Exhibit A  
 (six pages)

Secondary System  
 Amherst County  
 Construction Program  
 Estimated Allocations

Fund	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	Total
CTB Formula - Unpaved State	\$249,374	\$294,055	\$338,262	\$325,097	\$0	\$0	\$1,206,788
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Tel/Fee	\$113,440	\$113,440	\$113,440	\$113,440	\$113,440	\$113,440	\$680,640
Residue Parcels	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other State Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$0	\$0	\$0	\$0	\$456,462	\$456,462	\$912,924
<b>Total</b>	<b>\$362,814</b>	<b>\$407,495</b>	<b>\$451,702</b>	<b>\$436,537</b>	<b>\$569,902</b>	<b>\$569,902</b>	<b>\$2,800,352</b>

Board Approval Date: June 21, 2016

*D. J. Quisenberry*  
 Residency Administrator  
 Date: 6/22/16

*W. Steyer*  
 County Administrator  
 Date: 6/21/2016



SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2017-18 through 2021-22

Route	Project #	Description	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to	Traffic Count	
						2016-17	2017-18	2018-19	2019-20	2020-21	2021-22			
Rt 0729	BRAXTON RIDGE ROAD	PE	\$0										complete	Scope of Work FHWA # Comments
-15112	0759005P01	R/W	\$0	\$0										107 Resurfacing
STATE FORCESHIRED EQUIPMENT	RTE 759 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	CONV	\$120,000	\$73,822	\$46,178	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	16005 UNPAVED CONSTRUCTION
No Plan	RTE 712 DEAD END	Total	\$120,000	\$73,822	\$46,178	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
4	0.8													
Rt 0712	PENDELTON DRIVE	PE	\$0											67
106287	0712005P01	R/W	\$0	\$0										Deer Farm 16005
STATE FORCESHIRED EQUIPMENT	RTE 712 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	CONV	\$140,000	\$0	\$140,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
No Plan	RTE 759 DEAD END	Total	\$140,000	\$0	\$140,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
5	0.7													
Rt 0686	STINNETT ROAD	PE	\$0											170
-15122	0686005P01	R/W	\$0	\$0										Resurfacing 16005
STATE FORCESHIRED EQUIPMENT	RTE 686 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	CONV	\$140,000	\$0	\$140,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
No Plan	RTE 63 DEAD END	Total	\$140,000	\$0	\$140,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
6	0.7													
Rt 0663	SMOKER HOLLOW ROAD	PE	\$0											108
-15123	0663005P01	R/W	\$0	\$0										Resurfacing
STATE FORCESHIRED EQUIPMENT	RTE 663 - RURAL RUSTIC (SURFACE TREAT NON-HARDSURFACE)	CONV	\$326,000	\$0	\$25,885	\$300,115	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
No Plan	RTE 828 RTE 628	Total	\$326,000	\$0	\$25,885	\$300,115	\$0	\$0	\$0	\$0	\$0	\$0	\$0	UNPAVED CONSTRUCTION
7	1.5													



**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District: Litchburg  
 County: Amherst County  
 Board Approval Date:

2017-18 through 2021-22

Route	Project #	Description	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS							Balance to	Traffic Count			
						PROJECTED FISCAL YEAR ALLOCATIONS									complete	Scope of Work	
						2016-17	2017-18	2018-19	2019-20	2020-21	2021-22						
RI 0691	TINSLEY ROAD	0691005709	PE \$0 RW \$0 CON \$220,000	\$0 \$0 \$0	\$220,000	\$0	\$0	\$0	\$0	\$162,498	\$57,502	\$0	\$0	\$0	88	Resurfacing 16005	UNPAVED CONSTRUCTION
RI 0648	BEGA CREEK ROAD	0648005710	PE \$0 RW \$0 CON \$332,000	\$0 \$0 \$0	\$332,000	\$0	\$0	\$0	\$0	\$0	\$332,000	\$0	\$0	\$0	61	Resurfacing 16005	UNPAVED CONSTRUCTION
RI 0592	MUDDY BRANCH ROAD	0592005711	PE \$0 RW \$0 CON \$280,000	\$0 \$0 \$0	\$280,000	\$0	\$0	\$0	\$0	\$0	\$69,131	\$210,869	\$0	\$0	53	Resurfacing 16005	UNPAVED CONSTRUCTION
RI 0636	WARES GAP ROAD	0636005712	PE \$0 RW \$0 CON \$562,000	\$0 \$0 \$0	\$562,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	70	Resurfacing 16005	UNPAVED CONSTRUCTION
RI 0610	RTE 610	179 MILE WEST RTE 643	Total \$562,000	\$0	\$562,000	\$0	\$0	\$0	\$0	\$0	\$0	\$348,287	\$213,713	\$0			

**SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)**

District Lynchburg  
County Amherst County

2017-18 through 2021-22

Route	Project #	Description	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to	Traffic Count	
						2016-17	2017-18	2018-19	2019-20	2020-21	2021-22			
RI 4005	1204005	COUNTYWIDE ENGINEERING & VARIOUS LOCATIONS IN COUNTY	PE RW CONV Total	\$0 \$360,621 \$360,621	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	complete	Scope of Work FHWA # Comments
RI 4008	1204008	COUNTYWIDE RIGHT OF WAY VARIOUS LOCATIONS IN COUNTY	PE RW CONV Total	\$0 \$15,000 \$15,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0	Right of Way USE WHEN IMPRACTICAL TO OPEN A PROJECT ATTORNEY FEES and ACQUISITION COST
RI 4007	1204007	COUNTYWIDE TRAFFIC SERVICES VARIOUS LOCATIONS IN COUNTY	PE RW CONV Total	\$0 \$144,828 \$144,828	\$0	\$10,751	\$10,746	\$10,746	\$56,629	\$111,269	\$10,746	\$0	0	Traffic Services include Secondary Speed Zones, Speed Studies, Other New Secondary Signs



Amherst County Board of Supervisors  
County Resolution No. 2016-0019-R

**For consideration on June 21, 2016**

**A RESOLUTION, NO. 2016-0019-R**

A resolution, congratulating Sweet Briar College on a successful year, celebrating the renewed connection between the College and the County, reaffirming the County's commemoration of June 23<sup>rd</sup> as Sweet Briar College Day, and expressing the County's continuing desire for future collaborative involvement in Sweet Briar College's operation.

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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 Board of Supervisors of Amherst County hereby congratulates Sweet Briar College on a successful year, celebrates the renewed connection between the College and the County, reaffirms its commemoration of June 23<sup>rd</sup> as Sweet Briar College Day, and expresses its continuing desire for future collaborative involvement in Sweet Briar College's operation, as follows:**

**WHEREAS**, Sweet Briar College ("College") has been an important charitable community institution in Amherst County for more than a century, and is regarded with affection and pride by members of the Amherst County community; and

**WHEREAS**, as a result of an outpouring of support by committed alumnae and others, and the Amherst County Attorney's filing suit in behalf of the Commonwealth of Virginia, the attempted closure of the College initiated in March 2015 was halted; and

**WHEREAS**, at a specially-called meeting on June 23, 2015 — also the effective date of the settlement agreement that provided for the College's continued operation — the Board of Supervisors adopted Resolution 2015-0011-R, expressing its congratulations to Sweet Briar College on the occasion of the confirmation of its continued operation, establishing June 23<sup>rd</sup> as Sweet Briar College Day, and expressing the County's desire for future collaborative involvement in the College's continuing operation; and

**WHEREAS**, the College successfully completed the past operating year; and

**WHEREAS**, the County is optimistic that the College will persevere and continue in its unparalleled service to the County, the Commonwealth, and, indeed, the world, for many years to come; and

WHEREAS, on this first anniversary of the establishment of Sweet Briar College Day, the Board wishes to commemorate the occasion by reflecting on the events of the past year since June 23, 2015.

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

That the Board of Supervisors hereby congratulates Sweet Briar College on its successful operation in the past year.

**BE IT FURTHER RESOLVED:**

That the Board of Supervisors celebrates the renewed connection between the County and College, demonstrated in such ways as County Board members and staff participating in the February Town Hall meeting and other meetings with the College's Board members and staff; County citizens being invited to participate in College events such as the Dell party on March 31, 2016, and to use amenities such as the College's swimming pool; and the County Attorney's volunteering her time to teach a class at the College about the legal structure of the 2015 fight.

**BE IT FURTHER RESOLVED:**

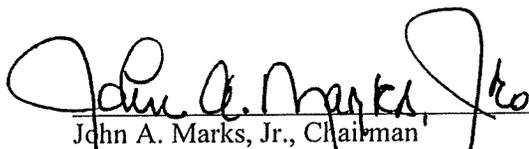
That for all these reasons and more, the Board of Supervisors warmly reaffirms its proclamation of June 23rd as Sweet Briar College Day, and directs its staff to continue to explore additional ways in which the County can work collaboratively with the College to develop mutually beneficial strategies designed to help Amherst County and Sweet Briar College best meet the needs of the communities they serve.

**BE IT FURTHER RESOLVED:**

That the Board of Supervisors directs staff to prepare this resolution in commemorative form for presentation to Sweet Briar College.

**II. That this resolution shall be in force and effect upon adoption.**

Adopted this 21<sup>st</sup> day of June, 2016.

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

**ATTEST:**

  
Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0