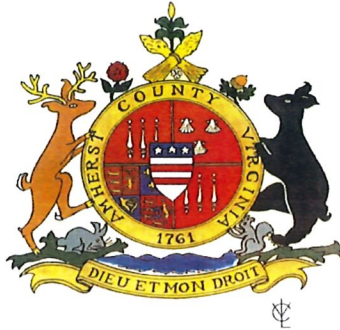


Board of Supervisors

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



County Administrator
Dean C. Rodgers

Interim County Attorney
Michael W. S. Lockaby

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES
September 19, 2017

AGENDA
Administration Building - 153 Washington Street - Public Meeting 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. **Public Hearing**
 - A. Special Exception 2017-10 Request by Pauline Henley for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a family day home (daycare/early learning). The parcel is located at 801 Ebenezer Road and is further identified as tax map number 126-A-33.
- VI. **Consent Agenda**
 - A. Minutes - August 15, 2017 and August 22, 2017
 - B. Finance - FY 17 Appropriation of Revenue: 1) Finance
 - C. Finance - FY18 Appropriation of Revenue: 1) Finance; 2) Sheriff's Office
 - D. Resolution 2017-0025-R, accepting the conveyance of real property containing Pleasant View School.
 - E. Resolution 2017-0008-CR, recognizing September 17 through 23 as Constitution Week.
- VII. **Old Business**
 - A. County Attorney - Board Rules of Procedure Changes
- VIII. **County Administrator's Report**
 - A. Projects Status Report
- IX. **Liaison and Committee Reports**
 - A. Blue Ridge Regional Jail Authority meeting - September 7, 2017
 - B. Lynchburg Regional Transportation Advocacy Group meeting - September 7, 2017
 - C. Lynchburg Regional Business Alliance Executive Board Meeting - September 8, 2017
- X. **Citizen Comment**

XI. Matters from Members of the Board of Supervisors

XII. Adjournment

MINUTES

At a Regular Meeting of the Board of Supervisors of Amherst County, Virginia and held at the Amherst County Administration building thereof on Tuesday, the 19th day of September 2017, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

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

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; Interim County Attorney Michael W. S. Lockaby; and Executive Administrative Assistant Regina M. Rice

OTHERS PRESENT: Planning/Zoning Director Jeremy Bryant

I. Call to Order

Chair Tucker called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Marks and with the following vote, the Board approved the Agenda for September 19, 2017.

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

IV. Citizen Comment

Mr. Bill Peters of Amherst, Virginia addressed the Board and commented on the Board's rules of procedure, specifically that only three minutes is allowed to citizens during the Citizen Comment section of the agenda. He thanked the Chair, at her discretion, for allowing additional time for citizens to comment. Mr. Peters spoke on the value of having Town Hall meetings to increase the dialogue between citizens and the Board. Mr. Peters remarked he enjoyed reading the branding description of making Amherst County a tourist destination.

V. Public Hearing

A. Special Exception 2017-10 Request by Pauline Henley for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow a family day home (daycare/early learning). The parcel is located at 801 Ebenezer Road and is further identified as tax map number 126-A-33.

Planning/Zoning Director Jeremy Bryant presented to the Board Special Exception 2017-10 regarding a family day home (daycare/early learning).

Mr. Bryant advised the Planning Commission recommended approval with the following five (5) conditions:

- 1) Applicant shall provide care for a maximum of twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home.
- 2) Applicant shall consult with the Virginia Department of Health to ensure that the existing well and septic system is adequate to handle the increased capacity, prior to the issuance of a zoning permit.
- 3) Applicant shall comply with all regulations applicable to the Virginia Statewide Building Code, prior to the issuance of a zoning permit.
- 4) Applicant shall contact the VDOT to determine if the entrances are safe and adequate at this location prior to the issuance of a zoning permit.
- 5) Applicant shall comply with all other licensing requirements as required by any other local, State or Federal law.

Chair Tucker asked about the number of children/foster children residing at the residence.

Mr. Bryant advised it would not pose a problem as long as the foster children legally reside at that residence and would not be included in that limitation number.

Vice-Chair Pugh commented on item number 3 regarding the building code regulation.

Mr. Bryant explained the Building Inspector noticed a pool without fencing when he entered the property. He wanted to ensure it was a safe environment with adequate fire extinguishers with ingress/egress from the residence.

Chair Tucker opened the Public Hearing.

Proponents: None

Opponents: None

Chair Tucker closed the Public Hearing.

Vice-Chair remarked there are laws that any person operating a daycare with more than five children has to be licensed by the state.

Supervisor Campbell advised that the Fire Marshal has to inspect the facility as well.

By motion of Supervisor Campbell and with the following vote, the Board approved Special Exception 2017-10 with the five (5) conditions recommended by the Planning Commission.

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

NAY: None

ABSTAIN: None

VI. Consent Agenda

A. Minutes - August 15, 2017 and August 22, 2017

B. Finance - FY 17 Appropriation of Revenue: 1) Finance

C. Finance - FY18 Appropriation of Revenue: 1) Finance; 2) Sheriff's Office

D. Resolution 2017-0025-R, accepting the conveyance of real property containing Pleasant View School.
(See Attachment 1)

E. Resolution 2017-0008-CR, recognizing September 17 through 23 as Constitution Week.
(See Attachment 1)

By motion of Supervisor Marks and with the following vote the Board approved the Consent Agenda for September 19, 2017.

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

VII. Old Business

A. County Attorney - Board Rules of Procedure Changes

County Administrator Rodgers stated this document is a draft of the changes that the Board requested and asked if the Board wanted to adopt these changes now or on January 1, 2018.

The Board discussed Section 1-5. Participation in Meetings Through Electronic Communications, number 2; Section 2-1 Chair and Vice Chair, item D. regarding appointments; and Section 4-3. Regular Practices, item B, addressing a tie vote.

Vice Chair Pugh agreed with Supervisor Marks regarding clarification of the professional performance specifically naming the County Administrator and County Attorney. Vice-Chair Pugh supported changing the reference to board appointees.

Chair Tucker said it would be cleaner for these changes to begin on January 1. It was the consensus of the Board that the proposed changes would begin on January 1.

By motion of Chair Tucker and with the following vote, the Board adopted the proposed changes to its rules of procedure at the start of the next calendar year.

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

VIII. County Administrator's Report

A. Projects Status Report

County Administrator Rodgers provided the Board with several updates to the report:

1) Old Town Madison Heights - received a grant award of \$700,000 and anticipated the work to begin next spring. The focus will be on homes along Main Street to assist folks with fixing up their homes by providing interest free loans; removal of telephone poles in the streets; drainage repairs; and repairs to retaining walls.

2) Phelps Road School - the hearing date of October 18 has been continued to October 30. He has asked the Building Official to do a weekly inspection of the property. County Attorney Lockaby advised the continuance was asked for by other counsel and the Court granted the same.

Chair Tucker asked about the land on Route 60 regarding a proposed convenience center.

Mr. Rodgers advised he has a draft appraisal; however, some items are missing and the appraiser is re-evaluating. Once this is completed, Mr. Rodgers advised he will then approach the landowner.

Supervisor Marks inquired about Learning Lane and if the contractor has begun work.

Deputy County Administrator Proffitt advised the work will begin on September 25th.

IX. Liaison and Committee Reports

- A. Blue Ridge Regional Jail Authority meeting - September 7, 2017
- B. Lynchburg Regional Transportation Advocacy Group meeting - September 7, 2017
- C. Lynchburg Regional Business Alliance Executive Board Meeting - September 8, 2017

For Board information only.

X. Citizen Comment

There was no public comment.

XI. Matters from Members of the Board of Supervisors

Supervisor Marks reminded the Board of the \$23.6 million dollars borrowed to upgrade the roofs, lights, and HVAC at the schools, which is suppose to produce an energy savings of \$352,000 towards the debt service. This savings should be reflected in the FY2019 budget. Supervisor Marks said that the \$352,000 will need to come out of the School's budget and suggested the Schools gather data to make sure they are achieving the energy savings, and if not, they will need to talk to Southern Air.

Chair Tucker stated she will ask her school board member to look into this and encouraged everyone to do the same.

Supervisor Campbell had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Chair Tucker commented on the Broadband Authority Board to include citizen members. She said the Authority could develop a committee by placing two citizen members on that committee for their input or reconstitute the Authority to include citizen members.

County Attorney Mike Lockaby suggested a selection committee for the Broadband Authority Board with citizens who have technical expertise. He said the Authority could put together a citizen advisory committee to work with the BBA.

Mr. Lockaby suggested having a BBA meeting for the first of next month where the Authority would designate that committee.

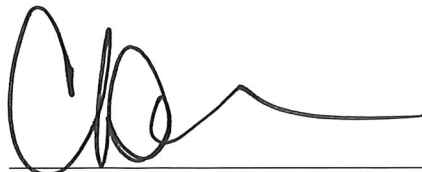
XII. Adjournment

By motion of Supervisor Marks and with the following vote, the Board voted to adjourn at 7:30 p.m.

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

NAY: None

ABSTAIN: None



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



Amherst County Board of Supervisors
County Resolution No. 2017-0025-R

For consideration on September 19, 2017

A RESOLUTION, NO. 2017-0025-R

A resolution, expressing the acceptance by the Board of Supervisors of the County of Amherst, Virginia, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 76-A-53, containing the Pleasant View Elementary School.

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 Board of Supervisors of the County of Amherst, Virginia, hereby expresses its acceptance, on behalf of Amherst County, of the fee simple interest in the real property at tax map number 76-A-53, as follows:

WHEREAS, the Amherst County School Board (the "School Board") holds fee simple title to Tax Map 76-A-53 (the "Property"), which is located at 229 Dancing Creek Rd, Monroe, Virginia, and contains the Pleasant View Elementary School building, among other improvements; and

WHEREAS, the School Board declared that they have no use for the Property, making such Property surplus property within the meaning of §22.1-129 of the Code of Virginia, 1950, as amended and approved the transfer of the Property by deed to Amherst County, Virginia; and

WHEREAS, the School Board did approve, at a meeting on June 8, 2017, in consideration of and regard for the County's best interests, a resolution providing for such transfer, which resolution is attached hereto as Exhibit A; and

WHEREAS, the Amherst County Attorney did draft the deed for transfer of the Property (the "Deed"), which Deed has been reviewed and approved as to form by counsel for the School Board prior to being placed before the School Board Chairman for signature; and

WHEREAS, the Board of Supervisors of the County of Amherst, Virginia, (the "Board") is desirous of accepting the Property; and

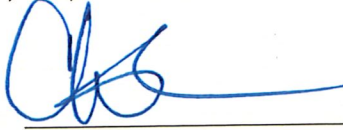
WHEREAS, a copy of the Deed is attached hereto as Exhibit B.

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

That the Board does hereby accept on behalf of Amherst County the interests in real property from the Grantor subject to the terms of the Deed, and authorizes and directs the County Administrator provide the Deed for recordation in the Circuit Court Clerk's Office.

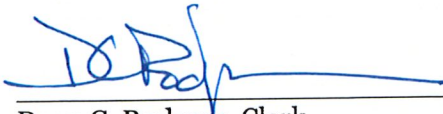
II. That this resolution shall be in force and effect upon adoption.

Adopted this 19th day of September, 2017.



Claudia D. Tucker, Chair
Board of Supervisors of the County of Amherst, Virginia

ATTEST:



Dean C. Rodgers, Clerk
Board of Supervisors of the County of Amherst, Virginia

Ayes 5

Nays 0

Abstentions 0

VIRGINIA: At a regular meeting of the Amherst County School Board held in the School Administration Building, Amherst, Virginia on June 8, 2017, at 6:00.

PRESENT: W. Michael Henderson, Chairman
Priscilla M. Liggon, Vice Chairman
Jennifer E. Cumby
Randy V. Summers
Francisco D. Mayo
Abby J. Thompson

ABSENT: Craig S. Terwilliger

RESOLUTION

WHEREAS, the Amherst County School Board has no use for the property known as the Pleasant View Elementary School at 229 Dancing Creek Road, Monroe, Virginia, making such property surplus property within the meaning of §22.1.129 of the Code of Virginia, 1950, as amended, and wishes to convey such property to the Amherst County Board of Supervisors, June 30, 2017.

NOW THEREFORE BE IT RESOLVED, that the Amherst County School Board hereby declares the Pleasant View Elementary School in Monroe, Virginia to be surplus within the meaning of §22.1-129 of the Code of Virginia, 1950, as amended and hereby approves the transfer of the property by Deed to the Amherst County Board of Supervisors, and duly authorizes W. Michael Henderson, its chairman, to execute a Deed conveying such property to the Amherst County Board of Supervisors, such deed to include a more specific legal description as prepared by the County Attorney and approved by the School Board Attorney.



Teresa Crouch, Clerk
Amherst County School Board

SPECIAL WARRANTY DEED

Prepared by:

Michael W.S. Lockaby
County Attorney
VSB #74136
Guynn & Waddell, P.C.
415 S. College Ave.
Salem, Virginia 24153

Return to:

Dean C. Rodgers
County Administrator
County of Amherst
153 Washington Street
P.O. Box 390
Amherst, Virginia 24521

Tax Map No. 76-A-53
Title Insurance: None
Consideration: None

This conveyance is exempt from recordation taxes pursuant to § 58.1-811 (A)(3) and § 58.1-811 (D) of the Code of Virginia, 1950, as amended. This Deed is exempt from the payment of Clerk's fees pursuant to § 17.1-279 (E) of the Code of Virginia (1950), as amended.

THIS DEED is made and entered into this 8th day of June, 2017, by and between the COUNTY SCHOOL BOARD OF AMHERST COUNTY VIRGINIA, a political subdivision of the Commonwealth of Virginia, to be indexed as Grantor, and AMHERST COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, to be indexed as Grantee. For the premises hereof, the Grantor and Grantee state:

WHEREAS, the Grantor has operated for many years a school, known as the Pleasant View Elementary School, on the certain property more particularly described herein; and

WHEREAS, the Grantor has closed the Pleasant View Elementary School, and determined, by resolution duly adopted on June 8, 2017, in accordance with subsection (A) of Section 22.1-129 of the Code of Virginia, 1950, as amended, that said property is surplus, and not needed any longer for school board purposes, and offered it to the Grantee; and

WHEREAS, the Grantee has, by resolution adopted by its Board of Supervisors on September 19, 2017, accepted said offer:

NOW THEREFORE, in consideration of the premises hereof, which are expressly incorporated by reference herein, together with \$10, cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant, convey, and demise unto the Grantee, with Special Warranty of title, all that real property described as:

ALL THAT PROPERTY conveyed to the County School Board of Amherst County, Virginia, by A.O. Lamb and E.E. Lamb, by deed dated October 20, 1947, and of record among the land records of Amherst County, Virginia, at Deed Book 135, page 237; and being more particularly described on a plat drawn by T.W. Saunders, L.S., of even date therewith, and of record among the land records of Amherst County, Virginia, at Deed Book 135, page 239.

SUBJECT TO all other matters of record or which would be disclosed by a careful inspection and survey thereof.

The Grantor covenants and agrees that it will execute such further assurances of the real property conveyed in this Deed as may be necessary or required to transfer good title to the Grantee, including, but not limited to, the execution of plats, maps, and deeds of confirmation that will properly and absolutely convey any other property listed or referred to in this Deed and assuring all such property described in this Deed.

THIS DEED WAS PREPARED WITHOUT BENEFIT OF A FULL TITLE SEARCH. THE ATTORNEY PREPARING THIS DEED MAKES NO REPRESENTATION AS TO THE STATE OF TITLE OF THE PROPERTY CONVEYED HEREIN.

IN WITNESS WHEREOF, this Deed has been executed on behalf of the County School Board of Amherst County, Virginia, by W. Michael Henderson, its chairman, and on behalf of Amherst County, Virginia, by Dean C. Rodgers, its County Administrator pursuant to authority duly conferred and authorized by resolutions of the School Board of Amherst County, Virginia, and the Board of Supervisors of Amherst County, Virginia.

Signatures on Following Pages.

GRANTOR:

COUNTY SCHOOL BOARD OF AMHERST
COUNTY, VIRGINIA:

W. Michael Henderson

W. Michael Henderson
Chairman

COMMONWEALTH OF VIRGINIA)

COUNTY OF AMHERST) To wit:

The foregoing instrument was acknowledged before me, the undersigned notary public, in my jurisdiction aforesaid, on this 25th day of July, 2017, by W. Michael Henderson, Chairman, on behalf of the County School Board of Amherst County, Virginia.

(NOTARY SEAL)

Jeresa C Crouch

Notary Public

My commission expires: January 31, 2020

Notary Registration No.: 103064

APPROVED AS TO LEGAL FORM:

Michael H. Hinkins

Division Counsel

GRANTEE:

AMHERST COUNTY, VIRGINIA

Accepted pursuant to Section 15.2-1803 of the Code of Virginia, 1950, as amended:

Dean C. Rodgers

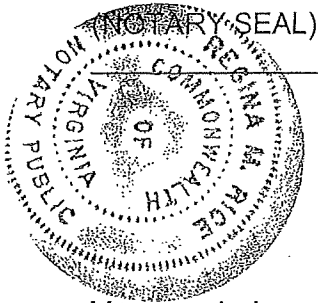
Dean C. Rodgers

County Administrator

COMMONWEALTH OF VIRGINIA)

COUNTY OF AMHERST) To wit:

The foregoing instrument was acknowledged before me, the undersigned notary public, in my jurisdiction aforesaid, on this 31st day of August, 2017, by Dean C. Rodgers, County Administrator, on behalf of Amherst County, Virginia.



Regina M. Rice
Notary Public

My commission expires: November 30, 2018.

Notary Registration No.: 205667

APPROVED AS TO LEGAL FORM:

Michael W. Lorkay
County Attorney



Amherst County Board of Supervisors
County Resolution No. 2017-0008-CR

For consideration on September 19, 2017

A RESOLUTION, NO. 2017-0008-CR

A resolution, recognizing September 17 through 23 as Constitution Week.

Approved as to form by the County Administrator

BE IT RESOLVED BY THE AMHERST COUNTY BOARD OF SUPERVISORS:

I. That the Amherst County Board recognizes and wishes to honor September 17 through 23 as Constitution week as follows:

WHEREAS, September 17, 2017 marks the two hundred and thirtieth anniversary of the drafting of the constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize the magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through the 23 as Constitution week; and

WHEREAS, the County of Amherst asks our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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

That the Amherst County Board of Supervisors hereby proclaims September 17 through 23, 2017 as Constitution Week in Amherst County.

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

Adopted this 19th day of September, 2017.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0