



**BOOK 37**  
**Pages 119-127**



**AMHERST COUNTY**  
**BOARD OF SUPERVISORS**

**Board of Supervisors**

Claudia D. Tucker, Chair  
District 2  
Jennifer R. Moore, Vice-Chair  
District 5  
David W. Pugh, Jr., Supervisor  
District 4  
Tom Martin, Supervisor  
District 1  
L. J. Ayers III, Supervisor  
District 3

**MINUTES**

**May 19, 2020**

Administration Building - 153 Washington Street -  
Public Meeting Room  
Amherst, Virginia 24521  
Meeting Convened - 7:00 PM

**County Administrator**  
Dean C. Rodgers

**County Attorney**  
Michael W. S. Lockaby

**I. Call to Order**

At a Regular Meeting of the Amherst County Board of Supervisors held on May 19, 2020 at 7:00 p.m., the following members were present:

BOARD of SUPERVISORS: Claudia D. Tucker, Chair; Jennifer R. Moore, Vice-Chair; David W. Pugh, Jr., Supervisor; Tom Martin, Supervisor and L. J. Ayers III, Supervisor

ABSENT: None

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

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

Chair Tucker stated that today Vice-Chair Moore will participate virtually and will be voting.

By motion of Supervisor Martin and with the following vote, the Board approved Vice-Chair Moore's electronic participation at this meeting.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

ABSTAIN: None

## **II. Approval of Agenda**

By motion of Supervisor Ayers and with the following vote, the Board approved the agenda for May 19, 2020.

AYE: Ms. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

ABSTAIN: None

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

Chair Tucker led the Invocation and Pledge of Allegiance.

## **IV. Citizen Comment**

Mr. Mathew Woernle of Monroe, Virginia addressed the Board regarding proposed changes to County policy to implement electronic time clock software in the Public Works Department and using a Bring Your Own Device (BYOD) policy. He was concerned with the privacy of County employees, the issue of FOIA and using the County's IT network to run this software.

## **V. Consent Agenda**

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda of May 19, 2020.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

ABSTAIN: None

ABSTAIN: None

### **A. Minutes - April 21, 2020**

It was moved that the Board adopt the Minutes for April 21, 2020.

### **B. Appropriation of Revenue - DSS**

It was moved that the Board approve the distribution of funds as described.

## **VI. New Business**

**A. Ambulance Billing - Public Safety**

Director of Public Safety Sam Bryant addressed the Board regarding a request to raise ambulance fees. He presented a slide presentation and pointed out there are services and supplies provided to citizens which are not currently billed such as providing oxygen to patients during transport. Mr. Bryant said that the fees have not been updated since 2012 and the County is behind in its fee schedule compared to other localities. He asked the Board to consider an increase to the 150% level of the MFS (Medicare Fee Schedule) to bring Amherst County closer to what other localities are charging.

By motion of Supervisor Martin and with the following vote, the Board directed staff to proceed with ordinance revisions as discussed.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**B. Road Naming - Public Safety**

Community Development Director Jeremy Bryant addressed the Board regarding renaming a County road from Manor Drive to Lopez Lane. He advised a road sign was installed approximately three years ago but the name change was not finalized in the 911 system or officially approved by the Board of Supervisors.

Mr. Bryant asked the Board for approval to allow staff to complete the work required to rename the road to Lopez Lane.

By motion of Supervisor Martin and with the following vote, the Board directed that the private drive be named Lopez Lane.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**VII. County Administrator's Report**

A. HR Regulation County Administrator Change (CAC-5)

County Administrator Rodgers advised the Board that HR is implementing an electronic time clock software at the Public Works department. This will allow employees to clock in and out during office hours or on weekends by using their personal smart phones. He said that a policy change is needed to allow employees to use their personal cell phones to conduct County business.

Mr. Rodgers advised the use of an employees's personal cell phone will be minimal, however, if anyone chooses not to use this software application a computer will be available at the office to use for those tasks during office hours. The effect of the policy change will be that some position descriptions will need to be rewritten to clarify that a smart phone will be a mandatory condition of employment.

HR Director Linda Warner addressed the Board and explained the mobile app is not connected to the County's server and therefore would not be using the County's IT network.

The Board posed several questions including if the cell phone of an employee would be subject to FOIA.

County Attorney Lockaby responded by saying that FOIA would be applicable if that data was stored in the cloud.

By motion of Supervisor Martin and with the following vote, the Board accepted the notification by the County Administrator.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

#### **B. Update on Closed Container Sites**

Deputy County Administrator David Proffitt provided the Board with an update on the clean up of the closed container sites at Burley Hollow, Long Mountain and Boxwood Farm Road. He advised Pleasant View Developers of Staunton, Virginia have been retained to remove all contaminated soil and provide back-fill and gravel. The cost for this remediation is \$46,937.

Supervisor Ayers advised that two property owners contacted him asking for removal of the brush pile and the asphalt ramp used to create a roadway from the dumpster site to Burley Hollow Road. He believed this was created to give folks a safe access back onto Rt. 60.

Mr. Rodgers advised he would have the grounds crew clean up that area and will get a cost estimate for removal of the asphalt ramp.

#### **C. Amherst County Financial Regulations Change (CAC-1)**

County Administrator Rodgers addressed the Board regarding a change to the County financial regulations to track funds that include the Forfeited Assets Fund, Accounts Payable, and Grant Management. He explained that the Grant Management policy is for staff who pursue grants to keep the Finance Department aware of the grant application or any other additional money the County is seeking.

Finance Director Stacey Wilkes said this regulation change will allow her to centralize, administer and properly record those items.

By motion of Supervisor Pugh and with the following vote, the Board accepted the County Administrator Change (CAC-1) to the Amherst County Financial Regulations as reported.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

#### **VIII. County Attorney's Report**

#### A. Parking in Fire Lane Ordinance

County Attorney Lockaby addressed the Board regarding an update to the Fire Lane Fine Ordinance that addresses the fine for parking in a fire lane. The existing fine of \$10 does not provide a deterrent to people parking in fire lanes.

Vice-Chair Moore, Supervisors Martin and Pugh were all in agreement to update the ordinance and increase the fine to \$100.

The Board directed the County Attorney to move forward with changing the Fire Lane Fine ordinance.

#### B. Parking Ordinance

County Attorney Lockaby addressed the Board regarding creation of a Residential Parking Ordinance. He explained when the Phelps Road apartments were proposed, residents who live on Phelps Road voiced concerns of a potential parking shortage with new tenants moving in the apartment complex. This proposed ordinance would address a residential parking program using parking permits.

Chair Tucker said she tended to support the parking ordinance.

Supervisor Martin said that people living in the apartments are no less citizens than anyone else living on the street and the public right-of-way should be "first come first serve." He said this should be one neighborhood and one community and he would not support it.

Supervisor Pugh agreed with Supervisor Martin and thought the County would be creating a problem before one occurs.

Supervisor Ayers said the developer was placing the entrance around the back of the building to provide parking for those apartment tenants. He did not believe the Board needed to take any action.

Vice-Chair Moore suggested waiting before taking any action, however, wanted staff prepared to move forward on the ordinance if it does become an issue.

It was the Board's consensus not to take any action on proposing a parking ordinance at this time.

### C. Waste Receptacles Ordinance

County Attorney Lockaby addressed the Board regarding adoption of amendments to the Waste Receptacles Ordinance. He advised this would modify an existing ordinance to require businesses to have waste receptacles for their customers. He pointed out that fast food restaurants and convenience stores typically generate the most trash from their patrons.

Ms. Virginia Myers, Chair of the Coalition for a Cleaner County addressed the Board and advised she has volunteers helping to clean up the County. She said they have picked up over 2,000 lbs. of trash with the vast majority from fast food and convenience store establishments. She said she supports this ordinance.

Mr. Lockaby advised that staff proposes to place this item on the Board's agenda for a first reading in June.

It was the Board's consensus to move forward with proposed amendments to the waste receptacles ordinance and allow for suggestions from the Board.

### D. Board of Equalization Request for Legal Guidance

County Attorney Lockaby addressed the Board regarding a matter of the County Attorney to provide legal counsel for the Board of Equalization. He advised that the Board of Equalization has received a litigation letter from an attorney representing a County citizen. The Board of Equalization is requesting representation by the County Attorney.

Mr. Lockaby said that State Code provides that the Board of Equalization may petition the Board of Supervisors to appoint legal counsel. He advised this would not present a conflict of interest between the County, the Commissioner of the Revenue, and the Board of Equalization. He said that any legal services he provides to the the Board of Equalization will be billed separately.

It was the Board's consensus to authorize the County Attorney to advise and represent the Board of Equalization in a pending litigation.

In addition, Mr. Lockaby informed the Board he was notified by an attorney for Sweet Briar College who is asking for release of a document in the land records that encumbers the College's property from past litigation. He advised he will file a Notice of *Lis Pendens* to remove the encumbrance.

## IX. Liaison and Committee Reports

- A. Lynchburg Regional Business Alliance, CVTC - Technical Advisory Group,  
May 4, 2020

For information only.

- B. Blue Ridge Regional Jail Board of Directors Meeting, May 7, 2020

For information only.

**X. Departmental Reports**

- A. Budget Status Report as of March 31, 2020

The Board received a quarterly budget status report.

- B. General Fund Availability Report

The Board received a status report of unobligated funds available in the current fiscal year.

**XI. Citizen Comment**

Mr. Matt Woernle of Monroe, Virginia addressed the Board on the matter of the HR Regulation (CAC-5) and the matter of the Bring You Own Device policy. He apologized for any misinformation he stated in his previous comments to the Board.

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

Supervisor Ayers had no matter to discuss.

Supervisor Martin had no matter to discuss.

Supervisor Pugh had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

Chair Tucker had no matter to discuss.

**XIII. Adjournment**

By motion of Supervisor Pugh and with the following vote, the Board adjourned at 8:10 p.m.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None





---

Claudia D. Tucker, Chair  
Amherst County Board of Supervisors



---

Dean C. Rodgers, Clerk

