



BOOK 37
Pages 191-199



**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

August 18, 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 August 18, 2020 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

Jennifer R. Moore, Vice-Chair
David W. Pugh, Jr., Supervisor
Tom Martin, Supervisor
L. J. Ayers III, Supervisor

ABSENT: Claudia D. Tucker, Chair

STAFF:

Dean C. Rodgers, County Administrator
David R. Proffitt, Deputy County Administrator
Michael W. S. Lockaby, County Attorney
Regina M. Rice, Clerk to Boards

Vice-Chair Moore called the meeting to order at 7:00 p.m.

II. Approval of Agenda

By motion of Supervisor Pugh and with the following vote, the Board approved the agenda for August 18, 2020.

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

NAY: None

ABSENT: Mrs. Tucker

ABSTAIN: None

III. Invocation and Pledge of Allegiance

Supervisor Martin led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Town Hall Meeting

A. Business Equity Tax Changes

County Administrator Rodgers addressed the audience and explained the purpose of a Town Hall meeting was to allow the Board to answer questions and receive public comments regarding business equity tax changes. He said the tax change process began over a year ago to make business friendly changes to county ordinances, processes and the tax code. He said that the General Assembly now allows counties to their increase meals tax and also institute a cigarette tax, both of which would create an an additional source of revenue for localities.

Mr. Rodgers presented a slide presentation and explanation of the Merchant's Capital, Machinery & Tools, Business License, Business License Recommendation, Business Equipment, Meals Tax, Lodging Tax, and Cigarette Tax. **(See Attachment 1)**

The floor was opened to receive public comment.

Ms. Sabrina Kennon, President of the Amherst Chamber of Commerce submitted a statement which was read by the County Administrator **(See Attachment 2)**.

Mr. Rodgers said the County Attorney will finalize the tax ordinance and bring it back to the Board for a first read. A public hearing will be advertised for the second meeting in September, and if the ordinance is adopted, the tax changes would go into effect January 1, 2021. However, the cigarette tax would become effective July 1, 2021.

At this time, Supervisor Martin allowed Officer Caleb Martin to address the Board with his comments.

Officer Martin spoke about the lack of internet in the county. He asked the Board to strongly look at Firefly and Central Virginia Electric Coop that could install fiber and provide internet access to students and adults, particularly in the New Glasgow and Clifford areas.

Supervisor Martin said he wanted the public to know that a study was being done on how best to provide internet for the entire county and how to spend the money to improve internet service in the county.

Mr. Rodgers said LIT Communities will complete a study by October 2020 and the contract will place them in a position as a consultant for the County. Three telecommunication grants have been applied for and with the recommendation to move forward and the County is soliciting an RFP for contractors to present proposals to use the CARES Act money by year end.

Vice-Chair Moore closed the Town Hall Meeting.

It was the Board's consensus to direct staff to proceed with the legal process required to implement the proposed tax changes.

VI. Public Hearing

A. ACSA Articles of Incorporation

ACSA Director Robert Hopkins addressed the Board regarding an amendment to the Articles of Incorporation for the Amherst County Service Authority Board. He advised the proposed change would address the composition of the Board of Directors with three standing members and two newly appointed citizen members, effective September 1. Mr. Hopkins said the Board of Directors have appointed Mr. Turner Perrow and Mr. Wesley Woods as the citizen members.

Vice-Chair Moore requested that the matter of compensation for the ACSA Board of Directors citizen members be added to next month's agenda.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, Board adopted the Amherst County Service Authority's Articles of Incorporation as presented.

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

NAY:None

ABSENT:Mrs. Tucker

- B. Ordinance 2020-0003, amending Section 707, specifically subsection 707.03, of Appendix A to the Code of the County of Amherst, to allow for dual use structures limited to single family dwelling use and business use in the B-2 General Commercial District, and allowing on-site directional signs that are greater than 18 inches in width and/or 42 inches in height as a special exception use in the B-2 General Commercial District.

Community Development Director Jeremy Bryant addressed the Board on amendment of two sections to an ordinance that would allow for dual use structures used by someone living in the building used as a business and single family dwelling. Mr. Bryant explained the second amendment to the ordinance addresses directional signs and a request by Walmart for a 7-ft. directional sign for grocery pickup. He said Walmart's sign was greater than 18 inches in width and /or 42 inches in height and has applied for a special exception use, which the current County ordinance allows.

The Public Hearing was opened.

Proponents: None

Opponents: Mr. Michael Alami of Madison Heights, Virginia addressed the Board of his concern of why self-storage units were included and the impact on the local community.

The Public Hearing was closed.

Supervisor Martin expressed a concern with the on-site directional signs section and would not vote in favor of this amendment. He said that requiring a special exception was a "poor" way to write the ordinance without standards or limitations leaving the ordinance open-ended.

Supervisor Pugh said he would not support the directional signs section, but would support the dual use structure.

County Attorney Lockaby advised that the Board could bifurcate the two amendments to this ordinance and vote on each issue separately.

By motion of Supervisor Martin and with the following vote, the Board approved the amendment to Ordinance 2020-0003 to allow for dual use structures limited to single family dwelling use and business use in the B-2 General Commercial District.

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

NAY: None

ABSENT: Mrs. Tucker

By motion of Supervisor Martin and with the following vote, the Board tabled the amendment to Ordinance 2020-0003 allowing on-site directional signs that are greater than 18 inches in width and/or 42 inches in height, and requested the Planning Director to rewrite that section and bring the amendment back as a First Read at the September 1, 2020 meeting.

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

NAY: None

ABSENT: Mrs. Tucker

Mr. Rodgers stated this matter will be brought back to the Board at the first meeting in September.

C. 2020-235 Jerry Yancey - Special Exception

Community Development Director Jeremy Bryant addressed the Board regarding a special exception request by Jerry Yancey to allow a tire shop in the B-2 Commercial District located at 3648 South Amherst Highway. Mr. Bryant said the Planning Commission recommended approval with nine (9) conditions.

Supervisor Martin asked if Mr. Bryant or VDOT had looked at access management on the 29 Business Corridor. Mr. Bryant said that he did speak with Mr. Kessler of VDOT who recommended the entrance near Winesap Road be closed to reduce the ingress/egress onto Rt. 29. Mr. Bryant advised that VDOT would require a land use permit with an approximate cost of \$100.

The Public Hearing was opened.

Proponents: Mr. Jerry Yancey addressed the Board as the owner of the property and stated he understood what is required of the property including planting bushes, adding gravel and signage.

Opponents: None

The Public Hearing was closed.

Supervisor Pugh stated he was pleased to see the property has been cleaned up and a noticeable improvement made.

Supervisor Ayers said that the facility has been a car care, service station and car wash for years. He commented that the Planning Commission's expectation that the property owner plant trees and landscaping creates a burden on the owner to maintain. He said if grass was planted the upkeep would be much easier and less costly.

Supervisor Martin said if the County wants to attract businesses, landscaping is a proven way to do so and will encourage the appearance of the County. He said that VDOT and County staff needs to pay more attention to the importance of access entrances on Rt. 29, and would support the special use permit. He asked staff to pay better attention to details to this in the future.

Supervisor Pugh said it would be prudent to use the natural landscaping already on the property and asked Mr. Bryant to continue to encourage the use of natural foliage to cut down landscaping costs incurred by property owners.

By motion of Supervisor Martin and with the following vote, the Board approved special exception request 2020-235 with the conditions recommended by the Planning Commission.

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

NAY: None

ABSENT: Mrs. Tucker

VII. Consent Agenda

By motion of Supervisor Pugh and with the following vote, the Board approved the Consent Agenda for August 18, 2020.

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

NAY:None

ABSENT:Mrs. Tucker

A. Minutes - July 21, 2020

It was moved that the Board adopt the minutes of July 21, 2020.

B. Appropriation of DARE and Alzheimer Revenue

It was moved that the Board appropriate DARE and Alzheimer's revenue as described.

C. ACSO Revenue Appropriation

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

VIII. County Administrator's Report

A. Clarifying change to HR Regulation 5.10 Compensatory Time Off

County Administrator Rodgers advised that HR Regulation 5.10 currently states that employees "**should**" use compensatory time before vacation time. The proposed change to policy will state "When available, accumulated compensatory leave **will** be used prior to the usage of vacation time."

By motion of Supervisor Ayers and with the following vote, the Board accepted the recommended change to HR Regulation 5.10 Compensatory Time Off as presented.

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

NAY: None

ABSENT: Mrs. Tucker

B. Projects Status Report

The County Administrator advised the Board's Retreat will be held on August 24, 2020 at Winton Farm, 599 Patrick Henry Highway, Amherst, Virginia commencing at 9:00 a.m.

The County Administrator advised that face masks are now required in all common areas in the County Administration building and whenever people are within six feet of each other.

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Departmental Reports

A. CARES Act Update

The County Administrator presented to the Board an update regarding the \$5.5M Federal CARES Act funding for the County to spend these funds by December 30. He explained the list of items already approved by the Board and being spent by the County and that the objective would be to have enough projects to meet or exceed the \$3.3 balance.

The Board discussed options of using this money . (See Attachment 3)

EDA Director Victoria Hansen addressed the Board regarding the small business ... grants.

Amherst County School Superintendent Dr. Rob Arnold, addressed the Board with regard to providing county-wide internet access for school students.

School CFO Teresa Crouch provided the Board with a list of potential needs for the Schools. (See Attachment 4)

The Board then added additional grant money to the list with Supervisor Martin proposing the following for the CARES Act funding allocation to be used before December 30:

HVAC Health Department \$100,000

HVAC Projects \$94,500

Schools \$450,000

Park Restroom (4 parks) \$300,000

Misc. COVID-19 Expenses \$91,100

Public Safety supplies and equipment \$330,000

Additional Business grants and non-profits \$150,000

By motion of Supervisor Martin and with the following vote, the Board approved an allocation of the additional CARES Act funds and directed staff to publicize a public hearing for the appropriation of \$2,757,414 in additional CARES Act funding.

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

NAY: None

ABSENT: Mrs. Tucker

XI. Citizen Comment

There was no public comment.

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 Moore had no matter to discuss.

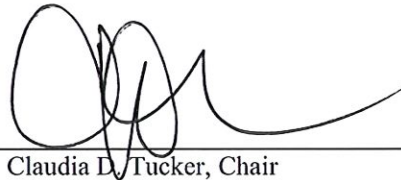
XIII. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:30 p.m.

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

NAY: None

ABSENT: Mrs. Tucker



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



BUSINESS FRIENDLY TAX CHANGE PROPOSALS

MERCHANT'S CAPITAL

[based on 1 Jan inventory]

- ▶ Campbell County None
- ▶ Bedford County None
- ▶ Rockbridge County None
- ▶ Appomattox County \$1/\$100 Assessed Value(85% cost)
- ▶ Amherst County \$3/\$100 Assessed Value(20% cost)

▶ **Recommendation – Repeal the tax**

MACHINERY & TOOLS

[based on 1 Jan inventory]

- ▶ Campbell County \$3.25/\$100 Assessed Value (25% cost)
- ▶ Bedford County \$1.20/\$100 Assessed Value
- ▶ Rockbridge County \$2.55/\$100 Assessed Value (graduated scale starting at 50%)
- ▶ Appomattox County \$3.35/\$100 Assessed Value (17.3% cost)
- ▶ Amherst County \$2/\$100 Assessed Value (25% cost)

▶ **Recommendation – Leave as is**

Business License

[based on prior year reported sales]

- Appomattox and Bedford have none

	Campbell	Rockbridge	Amherst
Contractors	\$.16/\$100 Gross Receipts	\$.10/\$100 Gross Receipts	\$.13/\$100 Gross Receipts
Retail	\$.20/\$100 Gross Receipts	\$.13/\$100 Gross Receipts	
Retail fuel	incl in Gross Receipts	incl in Gross Receipts	
Wholesale	\$.05/\$100 Gross Purchases	\$.05/\$100 Gross Purchases	
Personal Service	\$.35/\$100 Gross Receipts	\$.23/\$100 Gross Receipts	\$.31/\$100 Gross Receipts
Professional Service	\$.50/\$100 Gross Receipts	\$.38/\$100 Gross Receipts	\$.50/\$100 Gross Receipts
			under \$50K receipts = \$10.00

BUSINESS LICENSE RECOMMENDATION

[based on prior year reported sales]

Amherst Current Tax

Recommended Changes

Contractors	\$.13/\$100 Gross Receipts	\$.13/\$100 Gross Receipts
Retail		\$.20/\$100 Gross Receipts excl gas, diesel, kerosene
Retail fuel		\$.08/\$100 Net Receipts on gas, diesel, kerosene (after state & fed taxes)
Wholesale		\$.05/\$100 Gross Purchases
Personal Services	\$.31/\$100 Gross Receipts	\$.31/\$100 Gross Receipts
Professional Services	\$.50/\$100 Gross Receipts	\$.50/\$100 Gross Receipts
	under \$50K receipts = \$10.00	under \$50K receipts = \$10.00

BUSINESS EQUIPMENT

[per \$100 Assessed Value (AV), on Jan 1]

- ▶ Campbell County \$4.40(AV 1-10 yrs 25% cost, 15+ yrs 15%)
- ▶ Bedford County \$1.70(AV Yr 1 100% decr. 5% each yr)
- ▶ Rockbridge County \$4.25(AV 25% cost))
- ▶ Appomattox County \$3.35(AV Yr 1 80%, decr. 5% each year until reach 15%)
- ▶ Amherst County \$3.45(AV 30% of cost)
- ▶ **Recommendation – \$3.40 (AV 1-4 yrs 40% cost, 25% thereafter)**

MEALS TAX

[collected monthly on prior month sales]

- ▶ Campbell County 4% Gross Receipts
- ▶ Bedford County 4% Gross Receipts
- ▶ Rockbridge County 4% Gross Receipts
- ▶ Appomattox County None
- ▶ Amherst County 4% Gross Receipts

▶ **Recommendation – Take advantage of new law that allows increase of 2%, potential revenue increase is \$500K**

LODGING TAX

[collected monthly based on prior month sales]

- ▶ Campbell County 2% Gross Receipts
- ▶ Bedford County 7% Gross Receipts
- ▶ Rockbridge County 7% Gross Receipts
- ▶ Appomattox County 2% Gross Receipts
- ▶ Amherst County 5% Gross Receipts (3% Tourism)

▶ **Recommendation – Remains the same**

CIGARETTE TAX

[based on prior year reported sales]

- ▶ New law effective July 1, 2021
- ▶ Counties may impose a tax up to \$.40/pack
- ▶ **Recommendation – institute a tax of \$.27/pack. County receives \$.25/pack retailer \$.02/pack.**
- ▶ With an estimated 50 retailers selling cigarettes, potential revenue is projected at \$1M

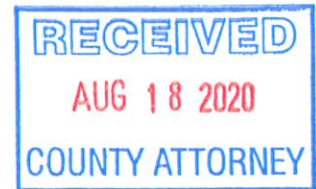
HOW DOES THIS CHANGE INCOME?

▶ Merchant's Capital	- \$ 300,000	} Revenue Neutral
▶ Machinery & Tools	-0-	
▶ Business License	305,000	
▶ Business Equipment	-0-	
▶ Meals Tax (if changed)	500,000	
▶ Cigarette Tax(if created)	1,000,000	

- ▶ **Net effect: \$1.5M of recurring revenue not currently used for operations (proposed for Future Fund of CIP)**

Questions?

Attachment 2



Amherst County Board of Supervisors,

The Amherst County Chamber of Commerce is writing this on behalf of our members. We would like to inquire where the money from these taxes will be placed specifically in the budget? Would this money be best served going towards a more business friendly internet situation in the county? The initial estimate of 1 million dollars of the CARE Act funding was cut in half. Would this money be allotted to make up that shortfall? Is the additional CARES Act funding going to be used to level the playing field in the county?

As part of the Business-Friendly initiative, it is imperative for our businesses to have access to adequate internet throughout the county. It is also become very apparent that our children need access to an equitable solution for this problem. Getting our children back into school then releases the burden on working parents, and thus benefits many businesses in the area. This would also be an attraction for businesses who would like to do commerce in Amherst County. The internet continues to be a concern for many businesses as well as citizens. We as the Chamber would like to suggest a long-term solution be funded through outside means, such as these new taxes, to relieve the stress on other critical functions of the county.

We would also like to address the meals tax increases. While we understand there is a need for more funding for county needs, with the unemployment rate being as it, is now the best time to instate such a tax? The meals tax falls mostly on the consumer, wouldn't a 2% higher tax than other localities hinder bringing in business from outside the county? We want to ensure others enjoy the businesses of Amherst. While the tax maybe small to some, others may choose not the frequent our dinning establishments due to the cost.

We thank you for your time, and consideration on these matters. Thank you all for your service.

Kindest regards,

Sabrina Kennon, President - ACCC

www.amherstvachamber.com
434.946.0990

328 Richmond Highway Amherst, VA 24521



ACCC comments for BoS 8/18/20

Sabrina Kennon

to:

rmrice

08/18/2020 02:42 PM

Hide Details

From: Sabrina Kennon <sabrina.kennon@gmail.com>

To: rmrice@countyofamherst.com

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

1 Attachment



202008181443 (1).pdf

Please find attached comments from the Amherst County Chamber of Commerce for tonight's meeting specific to the proposed meals tax.

Kindest regards,
Sabrina

--

Picture

Sabrina E. Kennon, M.Ed
Business Operations Manager
Specialty Exterminating Company - Your local Pest Prevention Partner!

434.929.0314 - Office
434.221.4610 - Mobile

PRIVILEGED AND CONFIDENTIAL:

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by return email to sabrina@specialtyexterminating.com and delete the original message and any attachments at once. Thank you.

CARES ACT FUNDING ALLOCATION

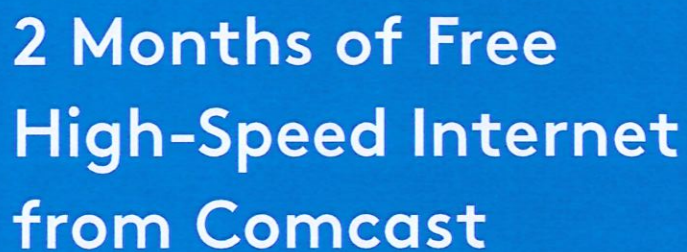
\$5,514,828

	Before December 30, 2020	After December 30, 2020	
Town Portion	\$381,266		\$381,266
Public Safety Shelter	80,000		80,000
Monroe Hot Water	3,500		3,500
Small Business Grants	300,000		300,000
Non-Profit Grants	200,000		200,000
Duct Cleaning	200,000		200,000
Broadband	500,000		1,000,000
Telework Equipment	134,800		134,800
HVAC Health Department (2022 CIP)			100,000
HVAC Projects			94,500
Savings FY 2020		800,000	1,200,000
Savings FY 2021		1,400,000	1,000,000
Schools			450,000
Breakroom renovations for sanitation and social distancing			100,000
Misc COVID-19 Expenses	58,900		150,000
Public Safety Supplies and equipment			330,000
Solid Waste Capacity expansion			663,000
Park Restroom(5 parks)			450,000
	\$1,858,466	\$2,200,000	\$6,837,066
Goal	\$3,314,828	\$2,200,000	\$5,514,828

AMHERST COUNTY PUBLIC SCHOOLS

List of Potential Needs

<u>Potential Needs</u>	<u>Potential Cost</u>
• Transportation – Fuel	\$120,000
• PPE Products – Transportation	\$86,000
• PPE Products – Maintenance	\$355,000
• PPE Products - Technology	\$75,000
• Additional Staff for Cleaning	\$156,610
• Additional Staff for Classrooms	\$275,000
• Cost Associated with Internet-devices or connectivity	\$150,000
• Additional waste pickup due to servicing meals styrofoam plates	\$30,500
• Child Care for Employees	\$143,175
• Thermal Detection System for all Schools(30)	\$57,374
• Total	\$1,448,659



You may qualify if you:

- 1 Are eligible for public assistance programs like the National School Lunch Program, housing assistance, Medicaid, SNAP, SSI, and others.
- 2 Live in an area where Comcast Internet Service is available.
- 3 Have not subscribed to Comcast Internet within the last 90 days.
- 4 Have no outstanding debt to Comcast that is less than one year old.*

\$9.95

No Term Contract
No Credit Check
No Installation Fee
Up To 25/3 Mbps

Apply Now!

**1-855-8-INTERNET
(1-855-846-8376)**

Offer ends December 31, 2020. Restrictions apply. Limited to Internet Essentials ("IE") service from Comcast for new residential customers meeting certain eligibility criteria. Offer limited to 2 months of complimentary Internet Essentials service. Taxes extra. After promotion, regular rates apply. Comcast's current rate is \$9.95/mo. (subject to change). Advertised price applies to a single outlet. Actual speeds may vary and are not guaranteed. For factors affecting speed visit www.xfinity.com/networkmanagement. If a customer is determined to be no longer eligible for the IE program, regular rates will apply to the selected Internet service. Subject to Internet Essentials program terms and conditions. May not be combined with other offers. Call 1-855-846-8376 for restrictions and complete details or visit InternetEssentials.com. © 2020 Comcast. All rights reserved. FLY-ILL-BIL-2MO-0320