



**BOOK 38
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**AMHERST COUNTY
BOARD OF SUPERVISORS**

Board of Supervisors

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

MINUTES

October 20, 2020
Administration Building - 153 Washington
Street - Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 7:00 PM

County Administrator

Dean C. Rodgers

County Attorney

Mark Popovich

I. Call to Order

At a Regular Meeting of the Amherst County Board of Supervisors held on October 20, 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
L. J. Ayers III, Supervisor

ABSENT: None

STAFF:

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

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

II. Approval of Agenda

Chair Tucker amended the Agenda for October 20, 2020 by adding under VIII. New Business Item C. Letter to Commissioner Land at the Dept. of Behavioral Health & Development Services; separating each of the two items on VI. Consent Agenda to be voted on individually.

By motion of Supervisor Martin and with the following vote, the Board approved the amended agenda for October 20, 2020.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers
NAY: None
ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. Dennis Gallimore of Amherst, Virginia addressed the Board regarding the County's real estate assessment and the failure of the County to generate revenue through its third party contractor Wampler-Eanes. He asked the Board to conduct an independent audit to "reassess" the assessment and the value of revenue that appears to be missing.

ACSA Director Robert Hopkins of Madison Heights, Virginia addressed the Board and stated that there may be a "major" problem possibly occurring at the Central Virginia Training Center. He said he has heard of reported vandalism, break-ins, prostitution, drug use and possible homeless people living on the property. He said there are 100 buildings on 400+ acres with only one campus security person engaged by the State who only works Monday-Friday. Mr. Hopkins recommended that the Board contact area legislators regarding this matter.

The citizen comment session was closed.

V. Public Hearing

A. Cigarette Tax Ordinance

County Attorney Michael Lockaby presented a proposed ordinance designed to address a new tax authorized by the 2020 General Assembly to allow counties to adopt a cigarette tax. He advised the proposed cigarette tax would be \$.27 per pack. Businesses would be required to purchase stamps at the Treasurer's Office and then affix a stamp to each pack of cigarettes. Each business would receive \$.02 to cover the cost of affixing stamps to packages of cigarettes.

Mr. Lockaby provided clarity to the definition of "stamp" with amended language under Sec. 14-171 Definitions, to read "Stamp means a small gummed piece of paper or decal to be sold by the Treasurer and to be affixed to every package of cigarettes sold at retail in the County, and also any insignia or symbols printed by meter machine upon any such package under the authorization of the Treasurer".

The Public Hearing was opened.

Proponents: None

Opponents: Mr. Anthony Belcher, a retail general manager for a convenience store, addressed the Board and voiced his opposition to the added cigarette tax. He said that folks that visit convenience stores buy cigarettes, beer and gas. He believed those patrons would take their business elsewhere to avoid paying this added tax on cigarettes. He said stores would lose gasoline sales as well as sales of purchasing other products sold there.

Chair Tucker stated that six letters were submitted by business owners in opposition to the cigarette tax and are in the Board's packet.

The Public Hearing was closed.

Supervisor Pugh stated he was opposed to the tax. He would be willing to drop the tax down to be more competitive and to draw people across the river. He did not support the \$.27 cent tax per pack on cigarettes and believed this would hurt convenience stores and also cause a loss of revenue by the County.

County Administrator Rodgers said the tax would become effective July 1, 2021 and will take another year for the County to determine the amount of revenue to be received.

Vice-Chair Moore asked how the County chose the \$.27 per pack tax. Mr. Rodgers responded that was based on what the Town of Appomattox charged with .2 cents of that tax given back to the business owners.

By motion of Chair Tucker and with the following vote, the Board adopted Ordinance 2020-0013 with amended language under Sec. 14-171 Definitions. to read "Stamp means a small gummed piece of paper or decal to be sold by the Treasurer and to be affixed to every package of cigarettes sold at retail in the County, and also any insignia or symbols printed by meter machine upon any such package under the authorization of the Treasurer".

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

NAY: Mr. Pugh

ABSENT: None

B. Special Exception - Timothy Waldren

Community Development Director Jeremy Bryant addressed the Board regarding a special exception request by Timothy Waldren to allow for a parking area located south of Sundown Drive on US 29 South.

Mr. Bryant advised that Mr. Waldren would use the property to relocate his transport business from Lynchburg and use two to three trucks per day to transport material to Grief. Mr. Bryant said the Planning Commission approved those eight conditions.

The Public Hearing was opened.

Proponents: Mr. Timothy Waldren addressed the Board and advised that the property would be used as a storage facility for a place to park his trucks. He said no truck repairs would be done on the property and there would be no storage of any chemicals.

Opponents: None

The Public Hearing was closed.

Supervisor Martin voiced a concern about the pending approval by VDOT regarding the entrance onto US Rt. 29 and the need to extend the vegetative buffer along the entire front of the gravel area and to wrap the buffer at least twenty feet on the northeast side of the property.

An additional condition was imposed to continue the vegetative buffer as request by Supervisor Martin.

By motion of Supervisor Martin and with the following vote, the Board approved the request

with conditions as recommended by the Planning Commission; and that this special exception is contingent upon VDOT's approval; and that a vegetative buffer extend along the entire frontage of the gravel area and wrap at least twenty feet (20 ft.) on the northeast side of the property.

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

NAY: None

ABSENT: None

VI. Consent Agenda

A. Minutes - September 1, 2020

By motion of Supervisor Pugh and with the following vote, the Board approved the Minutes for September 1, 2020.

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

NAY: None

ABSENT: None

ABSTAIN: Mr. Ayers

B. Appropriation of Funds - Public Safety

By motion of Supervisor Pugh and with the following vote, the Board approved the expenditure of \$58,288.30 as presented.

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

NAY: None

ABSENT: None

ABSTAIN: Mr. Martin

VII. Old Business

A. Amended and Restated Lease Resolution for VRA Financing

Finance Director Wilkes requested the Board's approval of the amended resolution for the lease purchase and the VRA financing. She explained the County must separate out the leases and would need additional collateral. Ms. Wilkes said that since the Humane Society operates in the Animal Shelter building it is considered a private activity and it would not qualify for tax-exemptions on the bond.

By motion of Supervisor Martin and with the following vote, the Board adopted Resolution 2020-0026-R as presented.

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

NAY: None

ABSENT: None

VIII. New Business

Addition to the agenda.

C. Letter to Commissioner Land at the Dept. of Behavioral Health & Development Services

County Administrator Rodgers reported that he has received information of reports of vandalism, break-ins, prostitution, drug use and possible homeless people living on the property. He understands that there is only one campus security person working at CVTC from Monday through Friday.

Supervisor Pugh commented on the "rumors" and believed it would best to confirm that.

Supervisor Martin was concerned about the upkeep of the grass and keeping a security officer employed at CVTC. He asked if the State would have the funding for this.

Mr. Rodgers said he would prepare the letter once he confirms many of those reports as facts and then circulate a letter to the Board for signatures.

Vice-Chair Moore commented that we hold our citizens to a standard of property care and that the State should be held to the same standard.

The Board noted several corrections to the proposed draft letter including a correction of District numbers for Mr. Martin and Mrs. Tucker; adding WSET as additional television station; and a correction of the name of the Lynchburg City Mayor to Mary Jane Dolan. Furthermore, it was the Board's consensus to direct the County Administrator to substantiate the rumors with facts of illicit activities occurring on the CVTC property, and prepare the finalized letter for Board signatures.

A. Courthouse Security Cameras

Captain Renalds of the Amherst County Sheriff's Office presented to the Board information on the need for security cameras for the Courthouse. He provided a PowerPoint presentation that outlined areas and the necessity for added security.

Sheriff E. W. Viar commented on the need to be proactive in securing the building and the placement of cameras for additional security.

It was the consensus of the Board to direct the County Administrator to price out each of those projects presented; prioritize those projects; and then combine all of those projects together with a bid.

B. Ratification of CARES Act Grant Application

County Administrator Rodgers advised the Board that he submitted an application that the Governor made available for additional CARES ACT funding for broadband. He said that due to a sensitive timeline, he did submit this application without the Board's approval.

This grant would match a grant by Firefly Fiber Broadband to allow fiber installation

expanding coverage in the New Glasgow area which would also include three mobile hot spots.

Mr. Rodgers said he acted without the Board's approval and is now seeking that approval of the application for a grant for additional broadband service.

By motion of Supervisor Pugh and with the following vote, the Board ratified the County Administrator's actions to apply for additional broadband expansion funding and the attached application.

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

NAY: None

ABSENT: None

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

A. Lynchburg Regional Business Alliance, Exec Bd, October 9, 2020

For information only.

B. VML/VACo APCO Negotiations Steering Committee, October 14, 2020

For information only.

XI. Departmental Reports

A. County Landscaping Ordinances - Community Development

Community Development Director Jeremy Bryant presented a PowerPoint presentation and explained site plans, landscaping and sidewalk requirements. He also provided information on regulations for weeds, trash and refuse and inoperable motor vehicles.

XII. Citizen Comment

There was no public comment.

XIII. 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.

Chair Tucker had no matter to discuss.

XIV. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 8:40 p.m.

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

NAY: None

ABSENT: None

David W. Pugh, Jr., Chair
Amherst County Board of Supervisors

David Proffitt, Clerk