



BOOK 37  
Pages 374-385



**AMHERST COUNTY  
BOARD OF SUPERVISORS**

**Board of Supervisors**

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

**MINUTES**

**April 6, 2021**  
Administration Building - 153 Washington Street -  
Public Meeting Room  
Amherst, Virginia 24521  
Meeting Convened - 3:00 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 April 6, 2021 at 3:00 p.m., the following members were present:

**BOARD OF SUPERVISORS:**

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

**ABSENT:** None

**STAFF:**

Dean C. Rodgers, County Administrator  
David R. Proffitt, Deputy County Administrator  
Mark C. Popovich, County Attorney  
Regina M. Rice, Clerk

**II. Approval of Agenda**

By motion of Supervisor Martin and with the following vote, the Board approved the agenda for April 6, 2021.

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

**NAY:** None

**ABSENT:** 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. Ordinance - First Read**

A. Ordinance No. 2021-0005, amending Sec. 1102 addressing site plan review.

Community Development Director Jeremy Bryant presented an amendment to County Code to modify the site plan review procedure. Mr. Bryant explained this change would allow staff to review and approve by-right site plans without approval by the Planning Commission. Mr. Bryant advised this modification was approved by the Planning Commission at its March 2021 meeting.

By motion of Supervisor Ayers and with the following vote, the Board authorized staff to advertise Ordinance No. 2021-0005 for a public hearing.

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

NAY: None

ABSENT: None

B. Ordinance 2021-0006, amending the name of a voting polling place in Election District 1, Wright Shop Precinct.

Amherst County Registrar Fran Brown presented the proposed ordinance to amend the name of a voting polling place in Election District 1, Wright Shop Precinct.

Mrs. Brown stated the current ordinance identifies Grace Baptist Church as the voting polling place in Election District 1, Wright Shop Precinct. She advised the correct name should read Scott Zion Baptist Church.

By motion of Supervisor Martin and with the following vote, the Board directed staff to schedule a public hearing at the April 20 Board meeting at 7:00 p.m.

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

NAY: None

ABSENT: None

C. Ordinance 2021-0007, amending Litter ordinance relating to penalty of securing and covering loads.

County Attorney Mark Popovich presented a proposed amendment to Ordinance 2021-0007. He stated the County has a current ordinance regarding the penalty of securing and covering loads. He said that in order to be in compliance with the Code of Virginia, an amendment to the existing ordinance is necessary to increase the penalty from \$250 to \$500.

Supervisor Martin asked how many tickets have been written under the current ordinance and asked if raising the penalty would have an effect.

Mr. Rodgers advised he would research that and indicated the Coalition for a Cleaner County has asked for an increase in penalty fees.

By motion of Supervisor Ayers and with the following vote, the Board directed staff to schedule a public hearing at the April 20 Board meeting at 7:00 p.m.

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

NAY: None

ABSENT: None

## **VI. Consent Agenda**

By motion of Vice-Chair Pugh and with the following vote, the Board approved the Consent Agenda for April 6, 2021.

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

NAY: None

ABSENT: None

It is noted for the record that:

Supervisor Tucker recused herself from voting on the March 16, 2021 minutes due to her absence.

Supervisor Martin recused himself from voting on the February 23, 2021 minutes due to his absence.

Supervisor Ayers recused himself from voting on the March 16, 2021 minutes due to his absence.

- A. Minutes - February 23, 2021 Budget Workshop (5PM), March 2, 2021 Regular Meeting (3PM) and March 16, 2021 (7PM)

It was moved that the Board adopt the minutes of February 23, 2021 Budget Workshop (5PM), March 2, 2021 Regular Meeting (3PM) and March 16, 2021 (7PM).

- B. Appropriation of Revenue - Recreation & Tourism

It was moved that the Board approved the appropriation as presented.

## **VII. Special Presentation**



A. Presentation of the FY 2020 Audit

Ms. Susan Chapman of Brown Edwards presented 2020 County audit and advised the County had a "clean" audit with an unmodified opinion. She reported there were no major concerns and material weaknesses.

Ms. Chapman addressed three adjustments that were made for the year that included the School debt was paid off in the jointly-owned assets; a correction was made to an EDA depreciation issue; and adjustments were made to accounts receivables.

Ms. Chapman reported there were no material weaknesses, however, there were deficiencies in separation of duties and the inability to split duties using the current software. She said there were no other major concerns to report.

By motion of Supervisor Martin and with the following vote, the Board accepted the FY 2020 audit as presented.

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

NAY: None

ABSENT: None

**VIII. Old Business**

A. Nominations to the Redistricting Committee

County Administrator Rodgers informed the Board that appointments are being sought for the Redistricting Committee. He received information today that the Census Bureau report will come out by September 1 and noted that redistricting will not be completed by November 2021.

Supervisor Tucker nominated Katherine Gamble as the District 2 representative.

Vice-Chair Pugh nominated Larry Langhans as the District 4 representative.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed Katherine Gamble as the District 2 representative and Larry Langhans as the District 4 representative for the Redistricting Committee.

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

NAY: None

ABSENT: None

**IX. New Business**

A. Boards/Commissions/Committees - Building Appeals Board 2018 Charter

Building Official Nate Young addressed the Board with a proposed amendment to the Building Appeals Board Charter that voting members become at-large members instead of representing a specific election district.

Mr. Young said due to increased hardship in finding qualifying citizens, the County Attorney recommended removing the election district requirement and making all member representatives at-large.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted the Building Appeals Board Charter.

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

NAY: None

ABSENT: None

B. Appointment of the New FOIA & Records Management Officer  
County Administrator Rodgers asked the Board to appoint Kristen Freeman, Executive Assistant to the County Administrator, to the position of FOIA & Records Management Officer for the County.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed Kristen Freeman, Executive Assistant to the County Administrator, to the position of FOIA & Records Management Officer for the County.

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

NAY: None

ABSENT: None

C. Amherst Rescue Squad Corporation

County Administrator Rodgers advised that Amherst Rescue Squad is preparing to dissolve its corporation and the Articles of Incorporation state that any remaining assets be distributed to Amherst County and the Town of Amherst.

Mr. Rodgers said two members of the Board will need to be appointed to meet with representatives of Amherst Town Council and the Amherst Rescue Squad Corporation. This will allow group discussions to resolve any issues that may result from the dissolution.

Supervisor Tucker stated she wished to be appointed.

Supervisor Martin nominated Supervisor Ayers.

By motion of Supervisor Tucker and with the following vote, the Board appointed Claudia Tucker and Jimmy Ayers to satisfy the Town Council's request.

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

NAY: None

ABSENT: None



#### D. Marijuana Legislation

County Administrator Rodgers addressed the Board regarding a request by Supervisor Ayers to discuss legislation adopted by the General Assembly concerning the legalization of marijuana.

County Attorney Popovich said the issue before the Board is to decide whether or not to allow dispensaries in Amherst County. He said this would not change the fact that marijuana can be personally used in the County.

Supervisor Tucker asked about a possible referendum to allow marijuana and the dispensing of it in the County.

Mr. Popovich said a referendum would not address the legality of marijuana, however, he asked the Board if the County wants to impose regulations on where dispensaries would be located and to impose certain taxes on sales.

Mr. Popovich said there is a limitation of the number of dispensaries that the State will allow, which is 400 for the entire state, as well as how many permits will be issued. He also said there will be a limitation of 25 wholesalers, 60 manufactures, and 450 cultivation farms and facilities. Furthermore, he said the referendum would be for County citizens to decide whether they would want any of those to come into the County.

Supervisor Ayers commented that he has seen families impacted by marijuana use and was not supportive of this. He said he does support citizens having a say whether they would want to make dispensaries a part of this community.

Vice-Chair Pugh and Supervisors Tucker and Martin were all in agreement.

By motion of Supervisor Martin and with the following vote, the Board directed staff to work with the Amherst County Registrar, monitor the current legislation, and place this issue on the November ballot, if feasible, for a referendum to authorize the establishment of dispensaries and manufacturing facilities as permitted by recently adopted legislation.

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

NAY: None

ABSENT: None

NOTE: After the meeting it was clarified by the County Attorney that a referendum cannot be conducted until after July 1, 2022.



## **X. County Administrator's Report**

### **A. Boards/Commissions/Committees - Board of Zoning Appeals vacancy**

A. County Administrator Rodgers reported that there continues to be a vacancy on the Board of Zoning Appeals Board and asked the Board for guidance on whether to continue with advertising.

It was the consensus of the Board to allow the position to remain vacant for one month before continuing to advertise.

### **B. Projects Status Report**

County Administrator Rodgers provided the Board with a Project Status Report.

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

The County Attorney had no matter to discuss.

## **XII. Citizen Comment**

There was no public comment.

## **XIII. Matters from Members of the Board of Supervisors**

Supervisor Tucker expressed her thanks to all of those citizens who are outside picking up trash in the County.

Supervisor Ayers had no matter to discuss.

Supervisor Martin had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

Chair Moore requested a financial software update. County Administrator Rodgers said five proposals have been received and a selection committee is being formed.

Chair Moore inquired about possible compensation to recognize citizens picking up trash and requested a way to celebrate those citizens.

## **XIV. Closed Session**

- A. A closed session, pursuant to Section 2.2-3711 subsection A.4 of the Code of Virginia, 1950, as amended, for the purpose of the protection of the privacy of individuals in personal matters not related to public business, related to the wind-up of a community organization.

County Attorney Popovich advised a motion was needed for the Amherst County Board of Supervisors to convene in closed session pursuant to Section 2.2-3711 subsection A.4 of the Code of Virginia, 1950, as amended, for the purpose of the protection of the privacy of individuals in personal matters not related to public business, related to the wind-up of a community organization.

Supervisor Tucker motioned to support the County Attorney's recital.

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

NAY: None

ABSENT: None

Supervisor Tucker motioned to come out of Closed Session.

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

NAY: None

ABSENT: None

**XV. Certification of Closed Session**  
**CERTIFICATION OF CLOSED MEETING**

Supervisor Tucker motioned 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.

Ms. Moore AYE

Mr. Pugh AYE

Mr. Martin AYE

Mr. Ayers AYE

Mrs. Tucker AYE

**XVI. Adjournment**

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 4:27 p.m.

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

NAY: None

ABSENT: None



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Jennifer R. Moore, Chair  
Amherst County Board of Supervisors



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Dean C. Rodgers, Clerk

