



BOOK 37
Pages 386-402



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 20, 2021
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 April 20, 2021 at 7:00 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 Popovich, County Attorney
Regina M. Rice, Clerk

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

Chair Moore stated the meeting is now streaming live on Facebook and Youtube.

II. Approval of Agenda

By motion of Supervisor Tucker and with the following vote, the Board approved the agenda.

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

NAY: None

ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Ms. Wendy Brubaker of Monroe, Virginia addressed the Board regarding the proposed agriculture complex and hoped to see farmers involved in this project. She asked the Board several questions of how will this project be funded, what will happen to the revenues it generates, who is it primarily meant to serve and how can stakeholders get involved in this process.

Chair Moore asked the County Administrator to connect with Ms. Brubaker with regard to her questions.

The Citizen Comment session was closed.

V. Public Hearing

A. 2021-097 Marlene Logwood

Community Development Director Jeremy Bryant presented his report regarding a request by Marlene Logwood for a short-term tourist rental at 254 Grove Avenue, Madison Heights, Virginia. Mr. Bryant provided the five conditions recommended by the Planning Commission:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Parking: Guests shall be required to park on the property and not on Virginia Department of Transportation right-of-way.
4. Transportation: The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.
5. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916, which regulates short-term tourist rental of dwellings.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

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

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

NAY: None

ABSENT: None

B. 2021-017 Monacan Indian Nation

Community Development Director Jeremy Bryant presented his report regarding a request by the Monacan Indian Nation to rezone a split-zoned parcel located at 111 Highview Drive, Madison Heights, VA. Mr. Bryant stated that the Highview Drive address fronts Rt. 29 Business and there is also an easement along Dixie Airport Road. He said the applicant has submitted two voluntary proffers: a twenty-five (25) foot vegetative buffer to remain on the side and rear portions of the lot that borders residential zoned parcels; and that all landscaping requirements are met.

Mr. Bryant advised the Board of a staff-recommended proffer that sidewalks be constructed along the front of Rt. 29 Business, however, he said this recommendation may come up at a later time and was not included in this request.

The Public Hearing was opened.

Proponents: Mr. Thomas Brooks, Sr., Acres of Virginia, addressed the Board and explained the Monacan Indian Nation would like to put the two parcels they own under one roof. In addition they have submitted two voluntary proffers addressing a vegetative buffer and landscaping. Mr. Brooks asked the Board to approve the rezoning request combining the two parcels as one.

Mr. Herb Hicks of Madison Heights, Virginia addressed the Board and stated that approval of this request will help fulfill a dream the Monacan Indian Nation has to bring an Indian health care center to this location. He said the facility would employ 20 people to work at the health care center and will be beneficial to the County.

Mr. Kenneth Branham, Chief of the Monacan Tribe, addressed the Board and said there are approximately 2,500 members of the Monacan Tribe with 95% of those members approving the proposal. He said this is a "win-win" situation for all and will bring jobs and tax revenue to Amherst County. He is proud of the progress made and is making sure all guidelines are followed with the agencies involved, and thanked the Board to consider allowing the project to move forward.

Opponents: None

The Public Hearing was closed.

Vice-Chair Pugh reiterated that this request would exclude the sidewalk requirement at this time.

By motion of Supervisor Ayers and with the following vote, the Board accepted the proffers, excluded the staff recommended proffer regarding sidewalks at this time, and approved the application.

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

NAY: None

ABSENT: None

Supervisor Tucker said she was pleased to hear that an Indian health service was coming to this project to address disparities in health care in Amherst County.

C. FY2022 Proposed Budget

County Administrator Rodgers stated that the Board is conducting a public hearing to receive public comment on the FY2022 Proposed Budget

Mr. Rodgers provided a slide presentation with an overview of the budget. (See Attachment 1)

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board voted to convene at least 7 days from today to consider approval of the FY22 O&M Budget and Capital Improvement Plan, as presented.

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

NAY: None

ABSENT: None

NOTE: After the vote it was determined the budget approval meeting would be scheduled for Wednesday, April 28, 2021 at 6:00 p.m.

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

Community Development Director Jeremy Bryant presented a proposed change to the zoning ordinance to amend the site plan review process. He 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.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board adopted Ordinance No. 2021-0005.

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

NAY: None

ABSENT: None

- E. Ordinance No. 2021-0006, amending the name of a voting polling place in Election District 1, Wright Shop Precinct.

Amherst County Registrar Fran Brown addressed the Board regarding an amendment to County Code to correct 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.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted Ordinance No. 2021-0006.

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

NAY: None

ABSENT: None

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

County Attorney Popovich presented a proposed amendment to County Code relating to the penalty of securing and covering trash loads.

Mr. Popovich stated that in order to be in compliance with the Code of Virginia, an amendment to the current ordinance is necessary to increase the penalty from \$250 to \$500.

County Administrator Rodgers advised, in response to Supervisor Martin's previous question concerning a tracking mechanism on litter enforcement, that the County does not have a tracking system. He reported the Commonwealth Attorney along with the Sheriff's Office is moving forward on a variety of prosecutions, however, there is no tracking information available.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted Ordinance No. 2021-0007.

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

NAY: None

ABSENT: None

G. PPEA Agreement for HVAC Services

Purchasing Agent David Proffitt addressed the Board regarding a PPEA proposal for maintenance of HVAC equipment for the Schools and the County. He said this proposal was accepted by the School Board at a November 2020 meeting, and was advertised for a 30-day period on the County's website.

Mr. Proffitt advised that once the public hearing is held tonight, he is requesting the Board authorize execution of the agreement by the County Administrator after an additional 30-day waiting period.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board authorized the County Administrator's execution of the PPEA Comprehensive Agreement for HVAC Maintenance and Repair Services, no sooner than 30 days from the date of this public hearing.

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

NAY: None

ABSENT: None

H. Lease Agreement w/ JRA at Riveredge Park

County Administrator Rodgers addressed the Board concerning the James River Association lease. He advised JRA leases the County building at Riveredge Park and the lease is up for renewal. He reported the term of lease would be for ten years with an additional ten-year renewal. JRA pays \$500 per month rent and maintains the janitorial services inside the building. He said the County supplies the paper products for the restrooms.

Mr. Rodgers said the draft lease provides that as JRA invests money into the park for improvements, they will receive a credit for those lease payments towards the rent. He recommended the Board's approval of the lease.

Supervisor Tucker asked about the satellite office the Sheriff's Office operates there and if they are still using it. Mr. Rodger replied yes.

Mr. Rodgers invited Mr. Bill Street, CEO of the James River Association and Mr. Rob Campbell, River Master, to provide additional information to the Board. Mr. Street expressed how pleased JRA is with the location at Riveredge Park. He said JRA has engaged over 4,000 students and folks to enjoy the James River and he envisions an interactive classroom with additional outdoor classroom space and added pavilion. In addition to this, Mr. Street said the goal is to construct a landing to make it easier to access the river for public boat trips and to broaden the types of experiences JRA can offer. Mr. Street advised they will be pursuing private fundraising to pay for these additional services, and he values the partnership with Amherst County to continue having a long-term commitment.

Chair Moore questioned why the name on the slide was referred to as the "Lynchburg River Center". Mr. Street replied that this area has always been identified as the "Lynchburg River Center" prior to the development of the park on the Amherst County side. He said there would not be any problem to correct the name.

The Public Hearing was opened.

Proponents: None

Opponents: Ms. Lillian Johnson of Amherst, VA addressed the Board expressing her concern about an additional 10-year extension to the JRA lease. Ms. Johnson asked the Board if they wanted to be tied down to that commitment.

Mr. Rodgers responded that the lease is for ten years, however, the County will have the option to renew and that either party can terminate at any time. Furthermore, the County is not committed to a second 10-year lease with James River Association.

The Public Hearing was closed.

By motion of Supervisor Tucker and with the following vote, the Board authorized the County Administrator to execute the agreement as presented with the suggested name change.

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

NAY: None

ABSENT: None

VI. Consent Agenda

A. Minutes - March 30, 2021 Budget Workshop (5PM)

By motion of Supervisor Martin and with the following vote, the Board approved the Minutes for March 30, 2021 Budget Workshop.

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

NAY: None

ABSENT: None

VII. New Business

A. Discussion Remaining Funds from 2017 Landfill Bonds

Finance Director Stacey McBride reported that last year the County refinanced the landfill debt along with other additional debt. She said there is now an excess of \$295,592 in the County's investment account from the original bond issue. She advised that money was never spent but she continued to make interest payments on the debt for three years.

Mrs. McBride stated she now needs to close out the account because the County is rid of those bonds. She sought direction with bond counsel who provided two solutions: use the funds to reimburse the General Fund or fund expanded operational needs of Public Works.

Supervisor Martin asked how much was paid in interest. Mrs. McBride said it was approximately one-half million dollars.

Vice-Chair Pugh said the County did an adequate job funding Public Works and would like the excess funds to go back into the General Fund.

By motion of Vice-Chair Pugh and with the following vote, the Board approved the movement of remaining 2017 landfill bond funds to the General fund to reimburse interest paid on the 2017 bonds.

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

NAY: None

ABSENT: None

B. Appropriation Request from ESC

Supervisor Martin stated for the record he currently serves as a volunteer Chief of the Amherst Fire Department and does not serve on the Emergency Services Council. He said this matter does not relate to Amherst Fire Department or to him personally in any way, and believes he can act fairly and impartially on this matter.

Public Safety Director Sam Bryant addressed the Board and explained that the Emergency Services Council has requested \$13,618 to cover the expense of replacement of three bay doors on the Monelison Fire Station. He advised that replacement parts for the existing doors are unavailable due to the age of the doors.

Mr. Bryant said the total cost of replacement would be \$14,820. The Monelison Fire Station has committed to pay the difference of \$1,202 from its Aid To Localities funding.

By motion of Supervisor Ayers and with the following vote, the Board appropriated \$14,820 from the ESC's capital account to pay for replacement bay doors.

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

NAY: None

ABSENT: None

VIII. County Administrator's Report

A. Boards/Commissions/Committees - Building Appeals Board vacancies

County Administrator Rodgers addressed the Board regarding the three vacancies on the Building Appeals Board. He advised the term of John Maynard, the District 1 representative on the Building Appeals Board, will expire on April 30, 2021. Mr. Maynard verbally requested reappointment to serve another four-year term on the Building Appeals Board.

Mr. Rodgers said that staff received notice that Mr. George "Rusty" Nichols, the District 4 representative, tendered his resignation December 2020. Mr. Nichols's term will expire on April 30, 2024. Furthermore, staff received notice that Mr. Donald Tyree, the District 5 representative, tendered his resignation February 2021. Mr. Tyree's term will expire on April 30, 2023.

These vacancies were advertised in the News & Advance on March 7, 2021 and in the New Era Progress on March 11, 2021. Staff received emails from Mr. Kenneth Campbell and Ms. Lynn Cunningham requesting appointments to those vacancies created by the departures of Mr. Nichols and Mr. Tyree.

Mr. Rodgers noted that on April 6, 2021, the Board approved an amendment to the Building Appeals Board Charter that changed the requirement of voting members from election districts to at-large seats.

By motion of Supervisor Ayers and with the following vote, the Board reappointed Mr. John Maynard as an At-large representative to the Building Appeals Board, and appointed Mr. Kenneth Campbell and Ms. Lynn Cunningham as At-large representatives to Building Appeals Board.

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

NAY: None

ABSENT: None

B. Boards/Commissions/Committees - Quarterly update

County Administrator Rodgers advised the Board is receiving a quarterly update on upcoming vacancies. He noted that Mr. Leon Parrish's term on the Department of Social Services Board will expire on June 30, 2021 and staff will be proceeding with the process to fill this seat.

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

A. Lynchburg Regional Business Alliance, Board of Directors, April 13, 2021
For information only.

XI. Departmental Reports

A. Public Works Projects

County Administrator Rodgers provided the Board a report on various projects and where those stand moving forward. He advised the County is conducting a Hazardous Waste Pickup Day scheduled for June 5, 2021 from 8AM-12PM at Coolwell Park.

XII. Citizen Comment

Amherst County Registrar Fran Brown addressed the Board regarding campaign finance accounts with her office. She advised if Board members are considering opening an account to run, they will need to do this through the "Comet Contribution Tracking" on the Virginia Department of Elections website.

XIII. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Ayers requested an update on the Scottish Inn in Madison Heights. Mr. Rodgers advised the owners were to take down the two story building, leaving the one story section to turn into a Howard Johnsons motor lodge. He said he would reach out to the owners to find out where they are in the process and provide the Board with an update.

Supervisor Martin said he was contacted by a citizen business owner regarding changes to Business License tax, specifically the chart addressing rate fees. He understood the County is not in a position to do anything at this time since the budget has been finalized, however, it may be something to look into for next year.

Vice-Chair Pugh had no matter to discuss.

Chair Moore had no matter to discuss.

XIV. Closed Session

- A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

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

NAY: None

ABSENT: None

Supervisor Tucker moved to come out of closed session and was approved with the following vote:

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

NAY: None

ABSENT: None

XV. Certification of Closed Session

Supervisor Tucker moved 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.

Mrs. Tucker AYE

Mr. Ayers AYE

Mr. Martin AYE

Mr. Pugh AYE

Ms. Moore AYE

XVI. Adjournment

By motion of Supervisor Martin and with the following vote, the Board adjourned at 8:55 p.m.

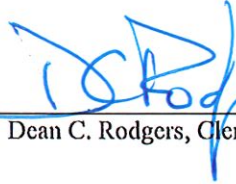
AYE: Ms. Moore, Mr. Pugh, Mr. Martin, Mr. Ayers and Mrs. Tucker

NAY: None

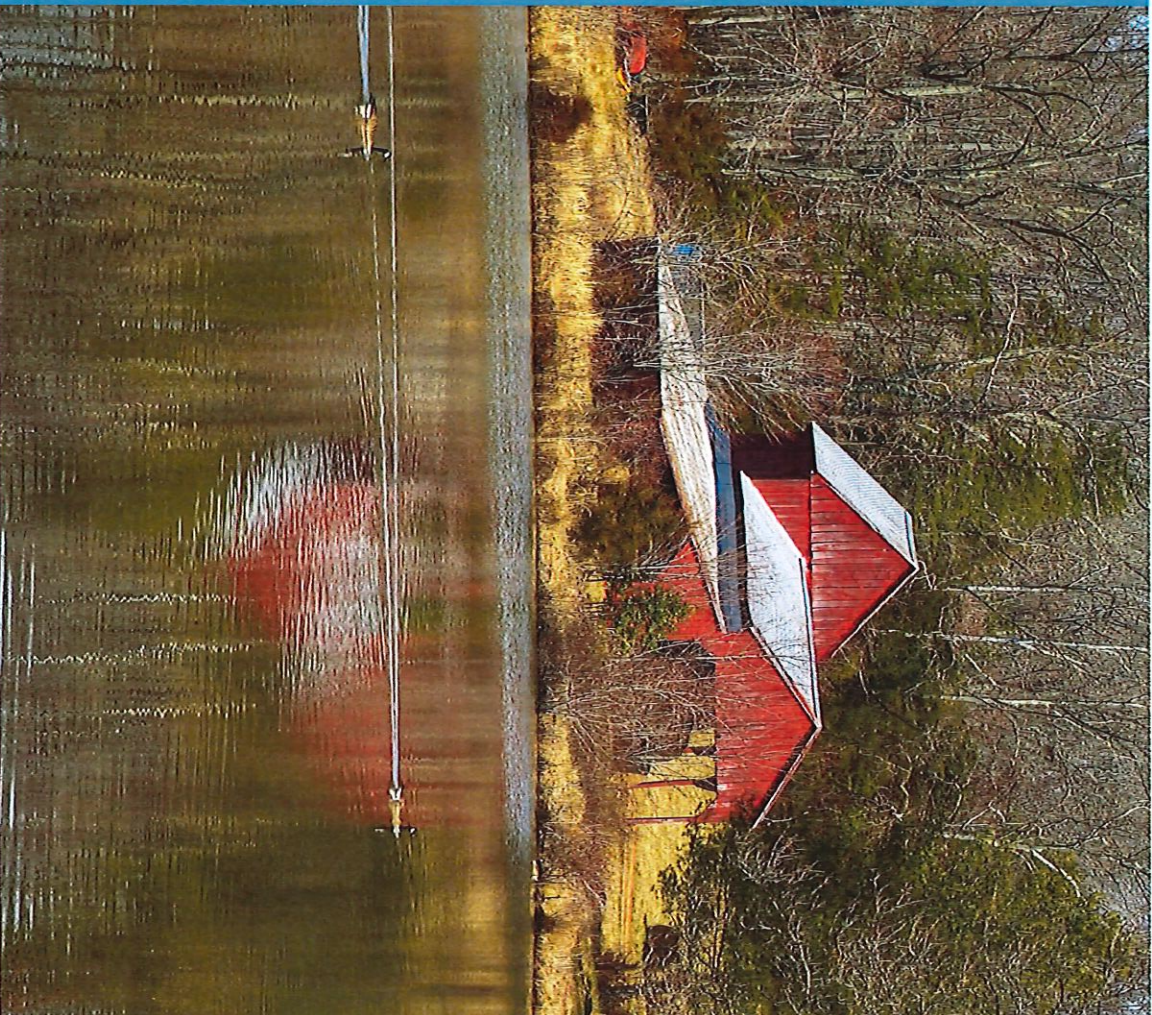
ABSENT: None



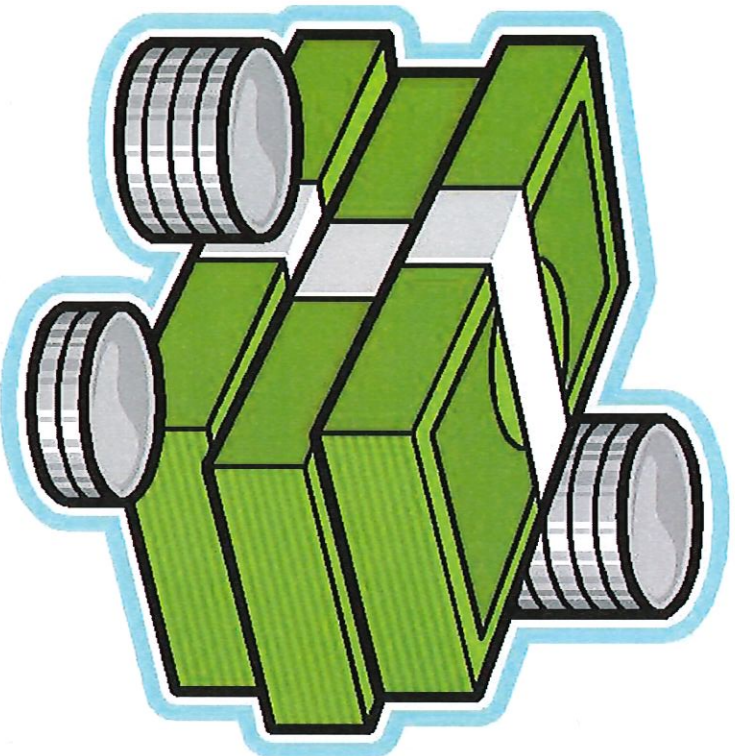
Jennifer R. Moore, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk



FY 2022 Proposed Budget and Capital Improvement Plan

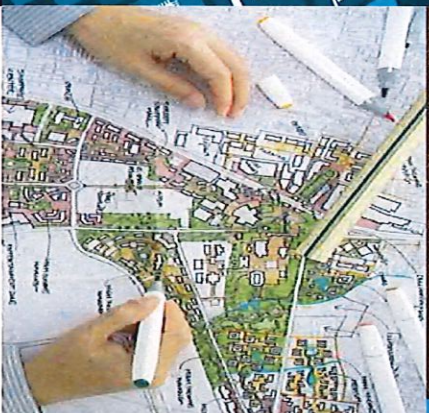


FY 2022 vs FY 2021

- Increased \$2.9M
- Use of fund balance for CIP projects increased \$1.2M
- Increased Social Services funding
- Increased Compensation Board funding for Constitutional Officers
- Increased Sales Tax Revenue
- 4% COLA

Upcoming Projects Funded

- Medic Unit & Crew
- Security
- Infrastructure Maintenance
- Madison Heights Master Plan

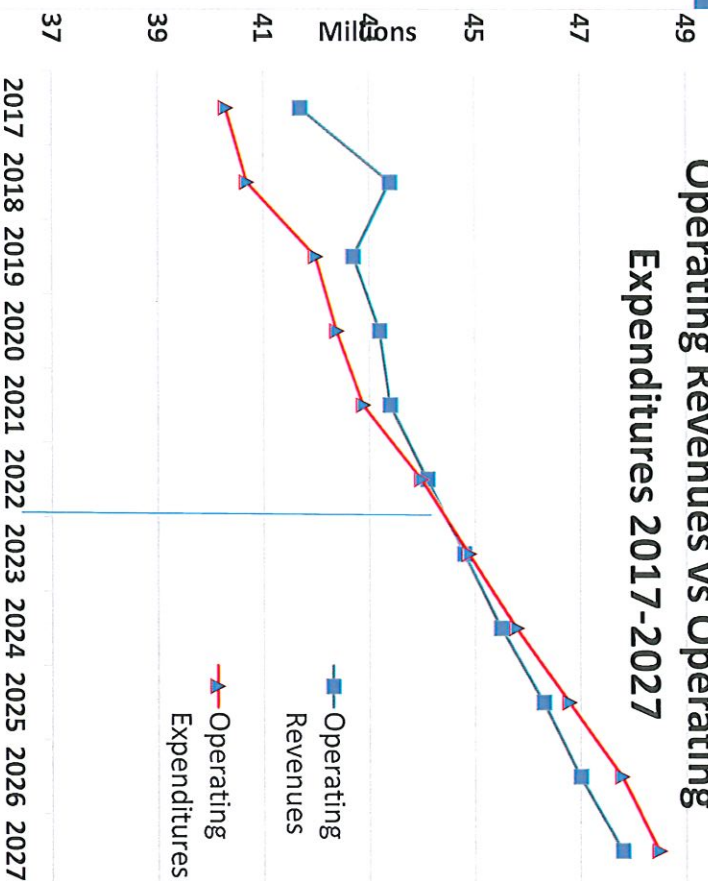


- Software
- Fire Alarms
- Mill Creek Playground

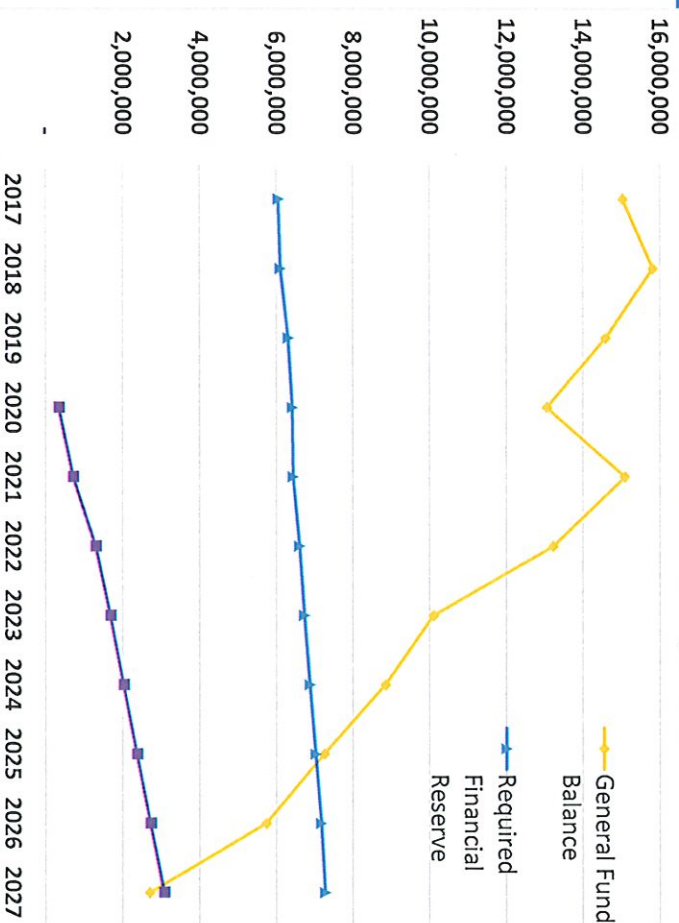


What the Future looks like

Operating Revenues vs Operating Expenditures 2017-2027



General Fund Balance vs General Fund Required 15% Reserve

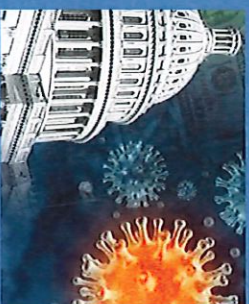


FY 2022 Changes

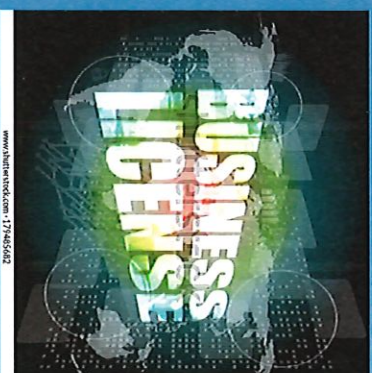


Cigarette Tax

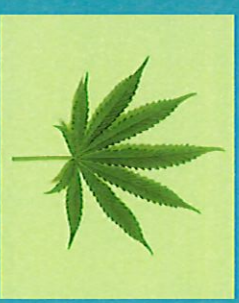
American Rescue Plan Act



Changes to Tax Ordinance



Legal Recreational Marijuana??



The Bottom Line

