



BOOK 37
Pages 430-442



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

June 15, 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 June 15, 2021 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

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

ABSENT: Tom Martin, Supervisor

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.

Note: All Board of Supervisors' meetings are now being streamed live on Facebook and on YouTube.

II. Approval of Agenda

By motion of Supervisor Ayers and with the following vote, the Board approved the agenda for June 15, 2021.

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

NAY: None

ABSENT: Mr. Martin

III. Invocation and Pledge of Allegiance

Supervisor Tucker led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Public Hearing

A. Ordinance 2021-0003, amending Chapter 15, Water and Sewer

ACSA Director Robert Hopkins presented Ordinance 2021-0003 that addresses availability fees as part of the business friendliness initiative.

Mr. Hopkins said one amendment was made to the proposed ordinance after the first reading on June 1, which clarifies the word "premises".

There were no additional comments made by Board members.

Chair Moore opened the Public Hearing.

Proponents: None

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Vice-Chair Pugh and with the following vote, the Board adopted Ordinance 2021-0003, amending Chapter 15, Water and Sewer.

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

NAY: None

ABSENT: Mr. Martin

VI. Consent Agenda

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda for June 15, 2021.

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

NAY: None

ABSENT: Mr. Martin

A. Minutes - May 18, 2021, June 1, 2021 3PM and June 1, 2021 6PM

It was moved that the Board adopt the Minutes of May 18, 2021, June 1, 2021 3PM and June 1, 2021 6PM.

B. ACSO Revenue Appropriation

It was moved that the Board approve the appropriation of funds as described into the Sheriff's budget.

VII. Special Presentation

A. Commemorative Resolution 2021-0002-CR - Robert "Snowball" Johnson

The Board adopted a commemorative resolution that recognized the contributions made by Robert "Snowball" Johnson to Amherst County.

By motion of Supervisor Ayers and with the following vote, the Board adopted Commemorative Resolution 2021-0002-CR in memory of Robert "Snowball" Johnson.

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

NAY: None

ABSENT: Mr. Martin

Supervisor Tucker expressed her appreciation of knowing "Snowball" at the livestock market and said he will be greatly missed.

B. Commemorative Resolution 2021-0003-CR - Mary Woodruff

The Board adopted a commemorative resolution that recognized the contributions made by Mary Woodruff to Amherst County.

By motion of Supervisor Ayers and with the following vote, the Board adopted Commemorative Resolution 2021-0003-CR in memory of Mary Woodruff.

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

NAY: None

ABSENT: Mr. Martin

Chair Moore presented Mrs. Woodruff's daughter the commemorative resolution and thanked her and her family for all that they have contributed to Amherst County.

Vice-Chair Pugh, Supervisors Ayers and Tucker expressed their thanks to Mrs. Woodruff's family and service to the community.

VIII. Old Business

A. Piedmont Community Health Plan FY2023 Renewal

HR Director Linda Warner addressed the Board and reported the Board had previously directed staff to put out a Request For Proposal this fall for the FY2023 medical insurance benefits.

Ms. Warner advised that due to an increase in medical insurance claims this year, the possibility arises that the County may not receive a competitive quote. She said that PCHP has offered to hold the rate cap open until the end of this fiscal year, which is June 30th.

Ms. Warner further stated that she did provide Board members the information collected from the employee satisfaction survey with PCHP.

Chair Moore remarked that she continues to receive comments from employees expressing their concerns with the change in providers, which occurred two years ago. She said she personally owes it to the employees to send this back out for bid.

There were no additional comments made by Board members.

By motion of Vice-Chair Pugh and with the following vote, the Board accepted the FY2023 rate cap offered by Piedmont Community Health Plan and renewed the County's medical insurance with PCHP for the FY2023 plan year.

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

NAY: Ms. Moore

ABSENT: Mr. Martin

IX. New Business

A. ARPA Funding Discussion

Finance Director Stacey McBride addressed the Board regarding the American Rescue Plan Act funding and reported that the County has received the first half of approximately \$3.1M.

Mrs. McBride then presented a slide presentation outlining a timeline and requirements of what the ARPA funds cover. (See Attachment 1)

She advised the County is required to provide a status report to the Federal government and asked that the Board begin thinking of what they would like to do with those funds. She stated her first report is due August 31, 2021.

Supervisor Tucker asked if the schools would get similar funding. Mrs. McBride responded that the schools will receive money from the State but they will have to apply for it. Supervisor Tucker then requested that Mrs. McBride provide the Board with the amount of money the schools will receive.

Supervisor Ayers asked County Administrator Rodgers about the status of broadband in the County. Mr. Rodgers responded that Firefly would supply fiber optic cable to homes except in the Comcast area. He said the long-range plan is that Firefly will apply for grants in the fall and they anticipate a buildout plan for countywide coverage in the next four years.

Vice-Chair Pugh made one suggestion regarding the ARPA funds that ACSA Director Hopkins produce a list of projects addressing the current infrastructure of water and sewer lines.

Mrs. McBride said she would be providing the Board additional updates as this moves forward.

X. County Administrator's Report

A. Boards/Commissions/Committees - Social Services Board - At-large vacancy

County Administrator Rodgers advised the Board the term of Leon Parrish, At-large member on the Social Services Board, will expire on June 30, 2021. Mr. Parrish submitted a letter of interest on May 10, 2021 requesting reappointment to serve another four-year term.

Mr. Rodgers said staff advertised the vacancy in the News & Advance on May 31, 2021 and in the New Era Progress on June 3, 2021 but did not receive any additional letters of interest.

By motion of Vice-Chair Pugh and with the following vote, the Board reappointed Mr. Leon Parrish as the At-large representative to the Social Services Board.

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

NAY: None

ABSENT: Mr. Martin

B. Boards/Commissions/Committees - Quarterly update (July 1 - September 30)

County Administrator Rodgers presented a quarterly update on upcoming vacancies for various boards, commissions and committees.

C. Boards/Commissions/Committees - Board of Zoning Appeals vacancy
(update)

County Administrator Rodgers advised the Board that there continues to be a vacancy on the Board of Zoning Appeals. He said that on April 6, 2021, the Board had recommended to allow the position to remain vacant for one month before continuing to advertise.

Vice-Chair Pugh said it was not advantageous to continue advertising and is costly. Supervisor Tucker agreed.

Chair Moore suggested advertising on Facebook and social media as there is no cost involved.

Supervisor Tucker asked if the BZA could continue to conduct any zoning appeals with only four members seated.

County Attorney Popovich said that BZA could conduct business with four sitting members as long as three members are present.

It was the consensus of the Board to continue to advertise on Facebook and on the County's website.

D. Meeting Schedule July 6, 2021

County Administrator Rodgers asked the Board if they desired to cancel the July 6 meeting because of the July 4 holiday.

The Board collectively agreed to cancel the July 6th meeting.

By motion of Chair Moore and with the following vote, the Board cancelled the July 6, 2021 meeting.

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

NAY: None

ABSENT: Mr. Martin

E. Appointment of Authorized Representative for Bonds

County Administrator Rodgers advised the Board that VRA requires an authorized representative to administer the 2020C VRA bonds. He requested the Board appoint him in order to draw down the funds in a timely manner during the construction of the transfer station.

By motion of Vice-Chair Pugh and with the following vote, the Board appointed the County Administrator to be the authorized representative for the 2020C VRA bonds.

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

NAY: None

ABSENT: Mr. Martin

XI. County Attorney's Report

A. Virginia Overtime Wage Act

County Attorney Mark Popovich addressed matter of the General Assembly's newly enacted Virginia Overtime Wage Act. He said the language adopted in that Act states employees who work in excess of 40 hours in any one work week, "shall" be compensated at a rate of "not less than one and one half pay".

Mr. Popovich said the question is whether or not the "shall" has now eliminated local government's ability to provide for comp time instead of time and a half.

Mr. Popovich also reported that the Department of Labor and Industry issued a question and answer document on their website and took the position that comp time was no longer permitted. He said there is a need to clarify this as it could have a financial impact on local governments.

This matter was for information and discussion only.

XII. Liaison and Committee Reports

A. Lynchburg Regional Business Alliance Meeting, May 27, 2021

For information only.

XIII. Departmental Reports

A. Software Consultant Contract Update

IT Director Jackie Viar provided the Board with an update and advised that Virtual IT was selected as the software consultant for the financial and tax collection software. Ms. Viar said that Virtual IT is a Virginia-based company with twenty-one years of experience providing high-level strategic and tactical support to local governments in Virginia and North Carolina.

Ms. Viar stated there are two phases to this contract; the first phase is to develop an understanding of the County's existing business processes and meeting with each department and to develop the RFP, which should be completed by September 2021. She said the second phase is to provide a scope of services that the County will decide on what to implement depending on the individual needs of each department.

XIV. Citizen Comment

There was no public comment.

XV. Matters from Members of the Board of Supervisors

Supervisor Tucker reported she has received numerous compliments about the improvements at Mill Creek Lake and expressed her thanks to staff.

Supervisor Ayers requested the County Administrator provide the Board an update on the Scottish Inn in Madison Heights.

County Administrator Rodgers advised he received an email from the owner's attorney and they are still connected with the Windham group, but he has no further information.

Supervisor Ayers said this property continues to be an eyesore and he believes that people are staying in the building. Mr. Rodgers said the Building Official has taken action to address this matter and will direct his attention to this problem.

Vice-Chair Pugh agreed with Supervisor Ayers and said he has received the same complaints. He requested that the Building Official provide the Board with an update.

Chair Moore had no matter to discuss.

XVI. Closed Session

- A. A closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Supervisor Tucker motioned that the Amherst County Board of Supervisors convene in closed session pursuant to VA Code Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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

NAY: None

ABSENT: Mr. Martin

Supervisor Tucker motioned to come out of Closed Session.

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

NAY: None

ABSENT: Mr. Martin

XVII Certification of Closed Session

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	ABSENT
Mr. Ayers	AYE
Mrs. Tucker	AYE

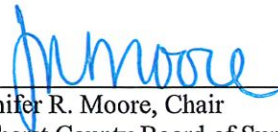
XVIII. Adjournment

By motion of Vice-Chair Pugh and with the following vote, the Board adjourned at 8:30 p.m.

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

NAY: None

ABSENT: Mr. Martin



Jennifer R. Moore, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk

AMERICAN RESCUE PLAN ACT

TIMELINE AND REQUIREMENTS

- CERTIFICATION TO THE U.S. TREASURY – completed
- JULY 9, 2021 –comments due to U.S. Treasury
- CURRENT GUIDANCE IS ONLY INTERIM
- AUGUST 31, 2021 – FIRST INTERIM REPORT DUE
- OCTOBER 31, 2021 – FIRST QUARTERLY PROJECT AND EXPENDITURE REPORT DUE
- DECEMBER 31, 2024 – ALL FUNDS SPENT OR OBLIGATED
- DECEMBER 31, 2026 – ALL FUNDS EXPENDED
- EXPENSES BETWEEN March 3, 2021 and December 24, 2024

WHAT DOES IT COVER

- PUBLIC HEALTH RESPONSE TO COVID-19
- ADDRESS NEGATIVE ECONOMIC IMPACTS
- REPLACE PUBLIC SECTOR REVENUE LOSS
 - Finance Director needs to calculate potential loss but does not anticipate any loss
 - If any it must be used to provide government services that directly benefit citizens
- PREMIUM PAY FOR ESSENTIAL WORKERS
 - may be retroactive to January 27, 2020
 - same requirements as CARES
- WATER, SEWER, AND BROADBAND INFRASTRUCTURE

WHAT DOES IT NOT COVER

- THE LOCAL MATCH FOR ANY OTHER FEDERAL PROGRAMS
- ECONOMIC DEVELOPMENT AND GENERAL INFRASTRUCTURE PROJECTS(example roads, bridges, etc.)
- NON PUBLIC SAFETY PAYROLL UNLESS IT CAN BE PROVEN TO BE MITIGATING COVID-19
- DEBT PAYMENTS
- LEGAL SETTLEMENTS
- DEPOSITS TO RAINY DAY FUNDS
 - It cannot just be put in the General Fund Unobligated Fund Balance
- GENERAL INFRASTRUCTURE – unless covered with revenue loss

KEY ITEMS

- The first half of funding has been received - \$3,069,450.50
- The guidance is still interim – GFOA recommendation take it slow
- Infrastructure funding is for water, sewer, and broadband only
- Revenue loss is a flexible category, but not anticipated for Amherst to have any



DISCUSSION AND QUESTIONS