



**BOOK 37**  
**Pages 445-460**



**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**

**July 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 July 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 7:01 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.

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. Public Hearing**

A. 2021-206 Jamey White - White Engineering & Design

**Please see Attachment 1 for Minute summary.**

## **VI. Consent Agenda**

A. Minutes - June 15, 2021

For the record, Supervisor Martin abstained from voting on the June 15th minutes due to his absence on that day.

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

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

NAY: None

ABSENT: None

ABSTAIN: Mr. Martin

B. Resolution 2021-0012-R, ending Local Emergency of March 23, 2020

It was moved that the Board adopt Resolution 2021-0012-R.

C. Appropriation of Grant Revenue - Clerk of Circuit Court

It was moved that the Board appropriate \$28,967 of grant revenue for the Clerk of Court's record preservation.

D. Appropriation of Revenue - Humane Society

It was moved that the Board appropriate license plate revenue to the Amherst County Humane Society as described.

E. Appropriation of Revenue - EDA Incentives

It was moved that the Board appropriate \$102,035 of additional tax revenue to the EDA contribution for incentives.

F. Appropriation of Revenue - Trail bridge project

It was moved that the Board appropriate \$102,035 of additional tax revenue to the EDA contribution for incentives.

G. Appropriation of Revenue-Commonwealth Attorney

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

H. Appropriation of Revenue - Sheriff's Office

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

I. Appropriation to the Schools Construction Budget

It was moved that the Board approve the use of School CIP and Maintenance reserves as presented.

J. Appropriation for Public Safety

It was moved that the Board approve the use of \$42,500 of supplemental funding in the 2021 budget for an ambulance monitor instead of a stretcher.

By motion of Supervisor Tucker and with the following vote, the Board approved Items B-J of the Consent Agenda for July 20, 2021.

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

NAY:None

ABSENT:None

**VII. Special Presentation**

A. Jacob Etter -Library Director

Mr. Jacob Etter introduced himself to the Board as the new Amherst County Library Director hired on July 1, 2021. Mr. Etter replaces Library Director Steve Preston who has retired.

**VIII. Old Business**



**A. JRA Landing**

Purchasing Agent David Proffitt addressed the Board regarding an appropriation request for an additional \$20,000 to the James River Association's boat access project at Riveredge Park.

On December 17, 2019, the Board allocated up to \$35,000 towards the cost of building a second public access landing to the river at Riveredge Park.

Mr. Proffitt advised that due to the extensive permitting process for this project, the bids were just received in May 2021. He said the significant increase in the price of materials and labor has increased the overall cost and the reason for an additional \$20,000.

Supervisor Pugh asked about the Fine & Forfeiture fund, which money was earmarked for Parks & Recreation repairs.

County Administrator Dean Rodgers explained that was correct, however, the fund has not grown over the last year and there is not enough money for this appropriation. He said last year the County was working with construction cost "estimates" but because of increased construction costs, it would be necessary to take \$20,000 from the unobligated general fund.

Supervisor Martin voiced his concern about the low funds in the Fine & Forfeiture fund and suggested having a conversation with Sheriff Viar to build up this fund.

Supervisor Tucker asked Rob Campbell of JRA if he had exhausted all of the grants. Mr. Campbell replied he had and was aware of the increased cost of construction, however, he said that JRA is still committed to half of the costs. In addition, he said that the rise in private boaters on the river has "exploded" and increasing the need to build a second boat access ramp.

By motion of Supervisor Tucker and with the following vote, the Board appropriated an additional \$20,000 from the County's unobligated general fund balance to fund the proposed Riveredge Park Boat Access Project.

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

NAY: None

ABSENT: None

**IX. New Business**

A. Discontinuance for Maintenance- Daffodil Ln

Community Director Jeremy Bryant presented a report to the Board regarding the discontinuance of maintenance on Daffodil Lane by VDOT. Mr. Bryant advised that VDOT is notifying property owners and offering those owners the opportunity to request a public hearing. He advised that the Board of Supervisors may also request a public hearing on this matter.

Supervisor Martin asked if the right-of-way will remain and Mr. Bryant replied yes, however, VDOT will not continue to do any maintenance on the lane.

Mr. Bryant advised that VDOT will come back at the next meeting to request a Board resolution.

In conclusion, the Board took no action to request a public hearing on this matter.

B. Resolutions 2021-0013-R and 2021-0014-R appointment of Fire Marshal and Deputy Fire Marshal for Amherst County Public Safety.

Public Safety Director/Fire Marshal Sam Bryant informed the Board that the Virginia Fire Code requires the Fire Marshal carry out certain duties as authorized by State Code, and that the Deputy Fire Marshal be given law enforcement and investigative privileges. Mr. Bryant advised that Deputy Fire Marshal Jarred Scott has now completed an extensive training program in the law enforcement aspect of fire investigations. Mr. Bryant requested the Board consider adoption of both resolutions.

By motion of Supervisor Martin and with the following vote, the Board adopted Resolution 2021-0013-R appointing the Fire Marshal for Amherst County and Resolution 2021-0014-R appointing the Deputy Fire Marshal for Amherst County.

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

NAY: None

ABSENT: None

### C. Criminal Justice Board Appointment

County Administrator Dean Rodgers requested the Board appoint himself as the representative to the Community Criminal Justice Board. He advised that Ms. Cynthia Plummer, Director of Lynchburg Community Corrections and Pretrial Services Agency, has secured funding for Amherst County to provide local probation and pretrial services.

Ms. Plummer was introduced and said that State Code Statute 9.1-178 establishes each county or city develop a "local pretrial services or a community-based probation services" Board. She explained the program and said Amherst County has been awarded funding for this new service that will also provide office space at the Courthouse.

By motion of Supervisor Tucker and with the following vote, the Board appointed Dean C. Rodgers, County Administrator, as the Community Criminal Justice Board Representative.

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

NAY: None

ABSENT: None



D. Resolution 2021-0015-R, ratifying authorization of outside counsel to vote in support of proposed the Purdue Pharma Bankruptcy Plan

Amherst County Attorney Mark Popovich presented a resolution to ratify prior action on voting in support of Purdue Pharma's proposed bankruptcy plan. He advised this plan has now been presented to its creditors.

Mr. Popovich provided an overview of the proposed bankruptcy plan. He advised the Commonwealth of Virginia would receive between \$23,700M to \$30,409M, and Amherst County could expect to see approximately \$71,000 to \$91,000. He explained the cause of the problem was that Purdue Pharma's marketing technique did not disclosure to doctors and the FDA the addictive nature of opioid drugs.

Supervisor Martin asked where would the County designate that money. He suggested it should go to people who continue to deal with overdoses such as the Sheriff's Office, EMS as well as for drug prevention.

Mr. Popovich advised during the General Assembly's last session, legislation was adopted to create the Opioid Abatement Authority and to address how the monies would be distributed for settlement of lawsuits. Furthermore, he said the money would be designated according to a strategy with the AG's office and that a MOU will be forthcoming.

By motion of Supervisor Martin and with the following vote, the Board adopted the resolution as presented.

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

NAY: None

ABSENT: None

**X. County Administrator's Report**



A. Boards/Commissions/Committees - Community Policy & Management Team (CPMT)

County Administrator Dean Rodgers reported that Susan Mays, Director of Amherst County DSS, requested the Board appoint Jason Meador, Assistant Director of DSS as the representative to the Community Policy & Management Team (CPMT). Mrs. Mays said she would still be available to sit in on meetings if Mr. Meador was unavailable.

By motion of Chair Moore and with the following vote, the Board appointed Mr. Jason Meador as the DSS representative to the Amherst County Community Policy and Management Team.

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

NAY: None

ABSENT: None

B. Planning Commission Seats

County Administrator Dean Rodgers advised the Board of two Planning Commission members who have requested a change to their original appointments. Mr. Michael Martineau who currently represents District 1 is moving outside his district. Mr. Derin Foor who is an At-large representative and lives in District 1 has offered to "switch seats" with Mr. Martineau and represent District 1. The request is to appoint Mr. Martineau as the At-large representative and Mr. Foor as the District 1 representative. Both members will retain their original terms of office.

By motion of Supervisor Tucker and with the following vote, the Board appointed Michael Martineau as the "At-Large" representative and Derin Foor as the "District 1" representative for the Planning Commission, for the remaining term of their existing seats.

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

NAY: None

ABSENT: None

### C. August Planning Retreat

County Administrator Dean Rodgers asked the Board to select a date for its planning retreat. He advised the Wailes Conference Center at Sweet Briar College is available each Monday in August and asked for the Board to select a date.

It was the consensus of the Board that August 23, 2021 would be the date for this year's planning retreat from 9:00 a.m. to 4:00 p.m.

### D. Project Status Report

County Administrator Dean Rodgers provided the Board with an update on broadband. He advised Firefly has submitted an unsolicited proposal, which the County has accepted. He reported that Firefly is combining Amherst County with eleven additional counties, and he will bring to the Board on August 17 the actual grant amount Firefly will need from the County. Mr. Rodgers said that money (approximately 3.1M) will come from the County's ARPA funds.

Mr. Rodgers requested that the Broadband Authority Board and the Board of Supervisors hold a joint meeting on August 17. Due to a deadline for the VATI grant, the Broadband Authority will then make a recommendation to the Board of Supervisors at that meeting.

In addition, Mr. Rodgers reported the financial software consultant is busy interviewing staff and the RFP will move forward in October.

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

## **A. Addressing Panhandling**

County Attorney Mark Popovich addressed the Board regarding a question by Supervisor Martin addressing panhandling.

Supervisor Martin said he would like to see the County address this issue and see an ordinance put in place, although he does understand this may infringe on the First Amendment and freedom of speech.

Mr. Popovich said he would try to craft something; however, advised that suppressing a person from asking for money would regulate freedom of speech and would be very difficult. He said many localities have repealed those ordinances because they were unconstitutional. He said in some localities signs have been installed in the medians and crosswalks directing folks who need any type of assistance to call a designated number.

Supervisor Tucker said she received several calls from constituents concerning panhandling at the Walmart in Madison Heights.

Mr. Popovich said property owners can tell folks to move on but the question is whether you can adopt an ordinance for a public right-of-way.

Supervisor Martin said he is looking at this issue from a public safety aspect and believes people standing at a corner or an entrance is not necessarily safe.

## **XII. Liaison and Committee Reports**

### **A. Parks, Recreation & Cultural Development Board - Tom Martin**

Supervisor Martin advised the Parks & Rec Board continues to meet monthly. Members of the Board discussed electric vehicles and decided it would not be feasible because of the short battery range of the buses and multiple long distance trips for seniors to Charlottesville and Richmond. In addition, he reported on plans for Halloween festivities and P&R may consider a different site due to the amount of traffic last year. Also, the P&R Board met with the representatives of the Bruins and Wolverines football and have heard several requests for support. Supervisor Martin said he anticipated the Parks & Rec Board would be coming to present information to the Board of Supervisors in August or September to request funding.



B. Agriculture Committee - Claudia Tucker

Supervisor Tucker reported the Agriculture Committee is working on the County Fair, which will be held October 21-24 at the same location across from Sweet Briar College. She thanked Public Safety Director Sam Bryant for being involved in the planning. She said that sponsor forms are now available and the Committee is looking at an App for your phone and a paper handout directory for fairgoers.

C. Lynchburg Regional Business Alliance Report

For information only.

D. School Board - Claudia Tucker

Supervisor Tucker reported the community has been involved in what is being taught in the public schools. She advised there are three vacancies on the School Board and there are candidates for those seats.

Supervisor Martin reported he serves as the Board representative for the schools for infrastructure and they are focusing on a new auditorium at the High School, a cafeteria expansion, ADA improvements to the stadium and a new parking area. There will be some grant funding available and he said that Dr. Arnold will be coming before the Board of Supervisors for a presentation.

E. Emergency Services Council - Jimmy Ayers

Supervisor Ayers reported the Council has been working to address fire and EMS needs of the County.

Public Safety Director Sam Bryant provided a brief update on the ESC meeting held on July 14th.

F. Central Virginia Planning District Committee - Dean Rodgers

County Administrator Dean Rodgers reported on an internal study of regional property tax assessment and possibly reducing the assessment from six to four years and staffing an office. He advised Mr. Proffitt will be a participant in the study.

G. Central Virginia Transportation Planning Organization - Dean Rodgers

For information only.



### **XIII. Departmental Reports**

#### **A. Economic Development Authority Board- Annual Report**

Mr. Chad Eby, Chairman of the Economic Development Authority Board, addressed the Board and presented the EDA's 2021 Annual Report.

Mr. Eby provided a slide presentation that outlined the four goals of the EDA of creating jobs, retaining jobs, enhancing the Amherst tax base, and improving the quality of life.

Mr. Eby reported on several accomplishments of the EDA including the opening of Camp Trapezium Brewery (former Amherst Mill), market-rate apartments (former Phelps Road School) and administering over \$1.8M in COVID Grants.

#### **B. CARES Act and American Rescue Plan Act Update**

Finance Director Stacey McBride presented an update and slide presentation on the CARES ACT and the American Rescue Plan Act. (See Attachment 2)

Mrs. McBride explained how the CARES ACT money was spent on Public Safety equipment, assisting small businesses and non-profits, HVAC projects, park restrooms, Public Safety payroll (salary switch) and broadband.

Mrs. McBride explained how the American Rescue Plan Act (ARPA) could be used for eligible expenses, the monies that had already been committed to ACSA and broadband and would come to a future meeting with staff recommendations of other uses for the funds.

### C. Scottish Inn - Update

Community Development Director Jeremy Bryant addressed the Board and provided an update on the Scottish Inn in Madison Heights.

Chair Moore asked about the next steps regarding the property. Mr. Bryant replied that the agreement has been satisfied. He advised he has spoken with the owner who intends to renovate the existing building and that his plans are on track with a hotel chain.

County Administrator Dean Rodgers said the agreement has been completed and the established deadlines achieved. He said the Building Official's job would be dealing with any violations to the Building Code upon his inspections. In the meantime, the property will have to stay cleaned up.

### **XIV. Citizen Comment**

There was no public comment.

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

Supervisor Tucker informed Board members of a meeting she and Supervisor Ayers had with the Amherst Rescue Squad and plans for future meetings for development of a plan of action.

Supervisor Ayers had no matter to discuss.

Supervisor Martin requested the County Administrator and Community Development Director look at the truck storage site owned by Timothy Waldren located on Rt. 29 South (Sundown Lane). He said he believed the property owner has been out of compliance with the terms of the special exception. He asked the County Attorney to look into a possible revocation of the special exception permit.

Vice-Chair Pugh had no matter to discuss.

Chair Moore had no matter to discuss.

### **XVI. 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 motioned that the Amherst County Board of Supervisors convene in closed session pursuant to VA Code 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 motioned 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

## **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 AYE

Mr. Ayers AYE

Mrs. Tucker AYE

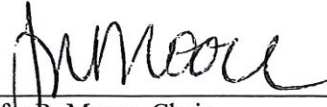
## **XVIII. Adjournment**

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:25 p.m.

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

NAY: None

ABSENT: None

A handwritten signature in black ink, appearing to read "J Moore", written over a horizontal line.

Jennifer R. Moore, Chair  
Amherst County Board of Supervisors

A handwritten signature in blue ink, appearing to read "D Rodgers", written over a horizontal line.

Dean C. Rodgers, Clerk



Community Development Director Jeremy Bryant presented a request by Jamey White of White Engineering & Design to rezone a parcel of land off Coldwell Road from R2 medium density residential to R3 high-density residential district. Mr. Bryant provided a slide presentation that outlined the proposed development by the applicant.

Mr. Bryant stated three concerns by staff: 1) the Amherst County Future Land Use Map (FLUM) supports medium density residential in R2 but does not support rezoning to a high-density residential district; 2) a concern regarding spot zoning; and 3) the environmental concern of wetlands identified on the parcel. He advised the property is in an area that public water and sewer will service supporting the 36 one-level patio homes and 14 two-story townhomes.

Mr. Bryant said the Planning Commission recommended updating the FLUM and rezoning the parcel. In addition, Mr. Bryant advised the applicant has provided four proffers for consideration; 1) construct a pedestrian multipurpose trail; 2) provide landscape screening; 3) that the site plan is compliant with the general concept plan submitted; and 4) fulfill the Service Authority's request to allow water and sewer easements to service parcels that are south of the rezoned parcel.

The Board proposed questions regarding the last time the Comp Plan was updated, the issue of the wetland, the allowable density in R2, and the market rate of the patio homes and townhomes. Mr. Bryant provided answers to those questions.

Chair Moore opened the Public Hearing.

Proponents: Mr. Jamey White of White Engineering Design addressed the Board and provided an overview of the proposed "Violets View Development". He advised he is working with the owner of the site and outlined the design plan for the proposed development. He said the patio homes prices will be priced from \$239,000 to \$259,000 and the townhomes from \$199,000 to \$209,000.

Mr. Ernie Guill of Madison Heights, VA addressed the Board and strongly urged the Board to approve this development. He said this is something needed in the county.

Mr. Jeff Guill of Madison Heights, VA addressed the Board and voiced his support and the need for this type of growth in the county.

Ms. Betty Jennings of Madison Heights, VA addressed the Board and said her son is the contractor for this development. She said that due to her age, she did not want to leave Amherst County in search of one-level homes. Ms. Jennings urged the Board to support the rezoning request.

Mr. Randy Jennings of Madison Heights, VA addressed the Board and said, as the contractor, he wanted to see increased growth in Amherst County and asked for support of this request.

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board amended the Future Land Use Map (FLUM) to high density residential as presented; approved the rezoning of 2045 South Coolwell Rd., tax map parcel 148-1-7A and 148I-2-B-B from R-2 General Residential to R-3 High Density Residential; and accepted the presented voluntary proffers.

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



# CARES AND ARPA ACTS UPDATE



# CARES ACT UPDATE

	Disbursement #1	Disbursement #2	6/30/2021	Obligated	Balance Remaining
Town Portion	190,633	190,633	(381,266)		0
Public Safety Shelter	80,000		(80,000)	0	0
Monroe Hot Water	3,500		(3,500)		0
Small Business Grants	300,000	150,000	(450,000)		0
Non-Profit Grants	200,000		(200,000)		0
Duct Cleaning	200,000		(200,000)	0	0
Broadband	500,000	17,939	(17,939)	(500,000)	0
Telework Equipment	134,800		(134,800)	0	0
HVAC Health Department (2022 CIP)		100,000	(100,000)	0	0
HVAC Projects		94,500	(94,500)	0	0
Savings FY 2020	1,076,103		(1,076,103)		0
Savings FY 2021		907,794	(907,794)		0
Schools		450,000	(450,000)		0
Misc COVID-19 Expenses	72,378	216,548	(288,926)		0
Public Safety Supplies and equipment		330,000	(330,000)		0
Park Restroom		300,000	(300,000)	0	(0)
	2,757,414	2,757,414	(5,014,828)	(500,000)	(0)



# CARES HIGHLIGHTS

- ▶ Purchased Public Safety Equipment
- ▶ Assisted Small Businesses and Non-profits
- ▶ HVAC projects
- ▶ Park Restrooms
- ▶ Through Public Safety Payroll – General Fund Savings of **\$1,983,897**
- ▶ Remaining funds of \$500K for Broadband



# AMERICAN RESCUE PLAN ACT (ARPA) \$6,138,901



# ELIGIBLE EXPENSES

- ▶ PUBLIC HEALTH RESPONSE TO COVID-19
  - ▶ Payroll and covered benefits
    - ▶ Public safety and similar employees – not as broad as CARES ACT **must be primarily dedicated to COVID-19 mitigation**
    - ▶ **50% of payroll for FY 2022, 25% FY 2023, and 10% FY 2024 would be reasonable**
- ▶ ADDRESS NEGATIVE ECONOMIC IMPACTS
- ▶ SERVING HARDEST HIT COMMUNITIES (QCT)



## ELIGIBLE EXPENSES – CONT.

- ▶ REPLACE PUBLIC SECTOR REVENUE LOSS
  - ▶ Revenue loss is calculated at \$718,358 for year ending December 30, 2020
- ▶ PREMIUM PAY FOR ESSENTIAL WORKERS
- ▶ WATER, SEWER, AND BROADBAND INFRASTRUCTURE
- ▶ COMMITMENTS TO DATE:
  - ▶ \$1M to ACSA
  - ▶ \$3.1M to broadband (awaiting actual amount)