



BOOK 37
Pages 513-522



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

October 19, 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 October 19, 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 7:04 p.m.

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

II. Approval of Agenda

Supervisor Tucker requested an amendment to the agenda for October 19, 2021 to add Item VII. as A. Personal Property Tax discussion.

By motion of Supervisor Ayers and with the following vote, the Board amended the Agenda for October 19, 2021, and added Item VII. as A. Personal Property Tax discussion.

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

III. Invocation and Pledge of Allegiance

Vice-Chair Pugh led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. Walter Sturfels of Madison Heights, Virginia, addressed the Board regarding a proposed timber cutting around the Amherst County Landfill on Kentmoor Farm Road. He presented a petition to the Board that contained twenty-seven names of residents in and around Kentmore Farm Road who were opposed to the removal of those trees. He said that bald eagles have been sighted nesting around the landfill and there is an abundance of wildlife that inhabits this area. He reported there has been an increase in health concerns for residents who live around there with the ground water supplying their wells. Mr. Sturfels said that removing the tree barrier would be a huge mistake and those residents would not need another stressful situation in this area. (See Attachment 1)

Ms. Karen Tanner of the Extension Office addressed the Board and provided County Fair packets to Board members with parking and VIP passes. She advised that the fairgrounds were coming together and vendors would arrive on Thursday morning. She thanked the Board for the continued support.

V. Consent Agenda

NOTE: The minutes of September 21, 2021 were approved and voted on separately due to the absence of Ms. Moore and Mr. Pugh.

A. Minutes - September 21, 2021

By motion by Vice-Chair Pugh and with the following vote, the Board approved the minutes for September 21, 2021.

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

ABSTAIN: Ms. Moore and Mr. Pugh

By motion of Vice-Chair Pugh and with the following vote, the Board approved Items B. and C. of the Consent Agenda for October 19, 2021.

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

NAY: None

ABSENT: None

B. Transfer Request - Dispatch

It was moved that the Board approve the transfer for the Dispatch Department budget within the FY 2021 budget.

C. Appropriation of Revenue - EDA Incentives

It was moved that the Board appropriate revenue into the FY 2021 budget to cover reimbursement to the EDA for incentive payments.

VI. Old Business

A. High School Renovation

Amherst County School Superintendent Dr. Rob Arnold provided the Board with an update to the auditorium project. He advised a firm has been selected to come up with the concepts and that information will be shared with the community on November 2 at Amherst County High School and on November 4 at Monelison Middle School.

Dr. Arnold advised that the cost of the project last year was \$12M. However, due to the sky-rocketing costs of materials, those costs have now increased to \$19M. He said the architect will divide the project into three phases and he would bring additional numbers back to the Board on November 16.

Supervisor Tucker asked if the project was constructed in phases, what affect would the construction have on the students. Dr. Arnold replied that the phase 1 construction would be outside of the school and the following phases would take place over the summer when school would not be in session.

Dr. Arnold advised public forums would be advertised through the newspaper, social media, the school's internal phone calling system and the County's website to provide information to the community. He invited the Board to attend any forums that would be held.

B. Forestry Stewardship Plans

Purchasing Agent David Proffitt addressed the Board and advised that at the August 3 Board meeting, Professional Forester Bob Warring presented a

strategic plan for implementation of a forestry stewardship plan for Amherst County properties.

Mr. Proffitt advised that State Area Forester Specialist Bill Perry developed those plans and he has been invited today to address the Board and explain those plans, the inventory and resources of the forests, and the county's goals.

Mr. Bill Perry addressed the Board and presented the Virginia Forest Stewardship Management Plan for the Kentmoor Landfill and the former Windy Ridge Landfill. He provided recommendations on both plans to harvest timber, maintain the forests and protect the wildlife. He advised that both properties contain sections that could be improved upon with long range plans of stewardship.

Mr. Perry said that the thirty-three acres of planted loblolly pine at the Kentmoor Landfill could be clear-cut and replanted with pines again to better manage this area. He recommended clear-cutting and replanting larger areas of pine and hardwoods at the former Windy Ridge Landfill in order to regrow the forest with a shelterwood harvest used to regenerate oak trees naturally.

Supervisor Tucker asked Mr. Perry what would be the impact on the folks who live on the road near the landfill if all the trees were cut down? Mr. Perry said it would not be noticeable because not many of the trees would be taken out.

Supervisor Martin said he respected the logging industry and the Department of Forestry. However, he stated that to actively log public property is a very personal decision and it appears this issue is based on economic gains. He referred to the Comprehensive Plan Land Preservation section that states, "More than any one topic, land preservation and environmental protection was emphasized by the citizens and the Citizen Advisory Committee to be the cornerstone of this plan".

Supervisor Martin commented that the 1,635.5 acres of land owned by the County is entrusted to the Board of Supervisors to make sure that county land is protected for the public good. In addition, he said the Kentmoor Landfill and former Windy Ridge landfill both border water sources of the Buffalo River and Partridge Creek. He was concerned that the proposed stewardship management plan also recommended spraying herbicide in those areas to kill any oak trees and other trees so that loblolly pines could be planted. He voiced his opposition to this and said, having heard from his constituents, they would have to deal with the landfill, increase truck traffic in and out, logging and with nothing done to protect the environment in a responsible manner.

Supervisor Ayers commented that those citizens have dealt with the landfill for years and their wells that use the ground water source, as well as the challenge of facing additional truck traffic. He voiced his support of Supervisor Martin's motion.

By motion of Supervisor Martin and with the following vote, the Board directed the County Administrator to cease implementation of the Forestry Stewardship Plans developed by the Virginia Dept. of Forestry and not enter into any other discussions concerning this unless authorized by the Board.

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

NAY: None

ABSENT: None

VII. County Administrator's Report

A. Personal Property Tax - discussion

Supervisor Tucker addressed the issue of the increase in personal property tax this year. She said the cost of used vehicles has "gone through the roof" and is now valued at a higher rate than the year before. She reiterated that the County did not raise taxes on personal property.

Supervisor Tucker said this matter should go to the Commissioner of the Revenue for her thoughts. However, she suggested freezing those rates from last year's personal property tax rate, and when next year's tax bills are sent out, the difference could be a credit applied to the taxpayers' tax bills.

Vice-Chair Pugh said he received some complaints, but he was not sure if anything could be done about this. He said it would take a lot of time and resources to prorate the tax bills and the County would need to be prepared to hire additional staff, which would incur additional costs.

Supervisor Martin agreed with Supervisor Tucker and Vice-Chair Pugh that he would like to have a conversation with the Commissioner of the Revenue.

County Attorney Popovich stated he was not aware of statutory language that would permit the county to provide a refund or credit on personal property tax, but there is a specific provision applied to real estate tax. However, he was not sure that this would be impossible but would work with the County Administrator and Constitutional officers to come up with a solution.

County Administrator Rodgers said he would bring this matter back to the

Board once he has definitive options.

The Board agreed to have a conversation with the Commissioner of the Revenue regarding the increase of personal property tax because of the increased NADA fair market value rate this year. The Board also tasked the County Attorney to work with the County Administrator and the Constitutionals to come up with a possible solution.

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

County Administrator Rodgers requested that the Board appoint a new member to the CPMT. He advised the Board had appointed IT Director Jackie Viar as the current Amherst County representative; however, due to an increase in her job duties, he is requesting that JaTaen Rucker of the Finance Department be appointed.

By motion of Chair Moore and with the following vote, the Board appointed Ms. JaTaen Rucker as the County 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. Boards/Commissions/Committees - Vacancy on Horizon Behavioral Health Board

County Administrator Rodgers informed the Board that Mrs. Betty Wise, the Amherst County representative, resigned from the Horizon Behavioral Health Board on September 30, 2021 due to a conflict in her work schedule. Mrs. Wise's term expires on December 31, 2022.

Horizon Behavioral Health Board Interim CEO Melissa Lucy advised that Amherst Town Police Chief Robert Shiflett has agreed to serve the remainder of Mrs. Wise's unexpired term, which ends on December 31, 2022.

By motion of Chair Moore and with the following vote, the Board approved the appointment of Chief Robert Shiflett to fill the unexpired term of Mrs. Betty Wise on the Horizon Behavioral Health Board.

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

NAY: None

ABSENT: None

In addition to the County Administrator's Report, Mr. Rodgers said this is "Fair Week" and asked for additional volunteers to sign up.

VIII. County Attorney's Report

A. Resolution 2021-0023-R Opioid Settlement Authorization
County Attorney Mark Popovich reported on proposed Resolution 2021-0023-R authorizing the proposed settlements with McKesson, Cardinal Health, AmerisourceBergen, Janssen. He advised this is a proposed nationwide settlement of all lawsuits for a value of approximately \$26 billion dollars, which \$23 billion would be allotted to states and local governments.

Mr. Popovich reported the settlement proposal is very complex and emphasized he could not give the Board a definitive amount of what the County might receive if this goes through. He said there is a tier step process providing an incentive for all to agree to the settlement of the proposals, which would maximize the amount of money provided to all the local governments.

Mr. Popovich asked that the Board approve Resolution 2021-0023-R.

By motion of Vice-Chair Pugh and with the following vote, the Board approved Resolution 2021-0023-R.

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

B. Proposed Ord. 2021-0011 Prohibiting Activities on Roadways and Medians

County Attorney Popovich presented a proposed ordinance to solve issues related to pedestrians' activities on roadways and the medians. He provided a draft for the Board's discussion and direction.

Supervisor Martin said the proposed ordinance was related to panhandling that he had asked for, and remarked that the County Attorney had created a very good solution to deal with this problem in the County.

Chair Moore asked about the language of "guilty of a traffic infraction".

Mr. Popovich said violators would receive a ticket from the Sheriff's office for violating the traffic rule, which is usually a Class 4 Misdemeanor and a \$250 fine. He explained the difference between the classes of misdemeanors and said the Board may want to make the violation a specific class misdemeanor and set a maximum penalty. He suggested the Board may want to consider making this violation a Class 1 Misdemeanor, which would give a maximum fine and jail time.

The Board agreed to amend the proposed ordinance per the recommendation of the County Attorney.

By motion of Supervisor Martin and with the following vote, the Board directed the County Attorney to amend the proposed ordinance for a first reading at the November 1 meeting, and then set a public hearing to consider the adoption of the proposed ordinance.

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

NAY: None

ABSENT: None

IX. Liaison and Committee Reports

A. Parks, Recreation & Cultural Development Board- Tom Martin
Supervisor Martin provided an oral report on activities sponsored by the Parks and Recreation Department. He said it would not be necessary to close the Coolwell Convenience Center to accommodate the increased traffic for those attending the "Halloween Haunt" event on October 29.

B. Agriculture Committee - Claudia Tucker
Supervisor Tucker had nothing to report on the County Fair except a request for additional volunteers.

C. Emergency Services Council - Jimmy Ayers
Supervisor Ayers advised he did not attend the last meeting, however, invited Public Safety Director Sam Bryant to provide an update.

Mr. Bryant informed the Board that the ESC members talked about investing in and mentoring and training younger members, water usage and non-fire fighter training, and swift water rescues.

D. Lynchburg Regional Business Alliance, Government Relations
Committee, October 12, 2021

For the Board's information only.

X. Departmental Reports

A. Social Services Board-Annual Report

Social Services Director Susan Mays provided the Board with an overview of the Department of Social Services and provided the annual report of the Social Services Board.

XI. Citizen Comment

Mr. Robert Richards of Amherst, Virginia, addressed the Board and asked that Board members speak into the microphones because it is very difficult to hear what is being said when folks are sitting in the back of the room.

Mr. Richards commented on the Train Depot and said there were no signs on the road to show that Amherst has a Welcome Center. He asked the Board to consider looking into this matter.

XII. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Supervisor Martin commented on the issue of the truck storage yard on Route 29 North. He believed that another form of recourse would be necessary to amend the current ordinance that would give the County the ability to revoke special use permits. He asked County staff to look into this matter.

County Administrator Rodgers said he would task the staff to proceed with drafting an ordinance to send to the Planning Commission for review.

Vice-Chair Pugh had no matter to discuss.

Chair Moore had no matter to discuss.

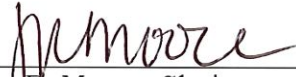
XIII. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 8:25 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

ATTACHMENT 1

We the undersigned do not want to see the forest in and around the landfill on Kentmoor Farm Road cut or removed. This would hurt the environment and cause more traffic on our road.

Name	address	signature
1 Donna Stinnett	142 Kentmoor Farm Rd Mad Hts	Donna Stinnett
2 James Stinnett	142 Kentmoor Farm Rd. Mid. Hts	James Stinnett
3 William E Couch Jr	142 Kentmoor Farm Road Madison Heights VA	Will. E. Couch Jr
4 Harold Stinnett	134 Kentmoor Farm Rd Madison Heights, VA	Harold Stinnett
5 Mary Stinnett	134 Kentmoor Farm Rd 24572	Mary Stinnett
6 Travis Rhiner	119 Kentmoor Farm Rd Madison Heights, VA 24572	Travis Rhiner
7 Jamie Gil	119 Kentmoor Farm Rd. Madison Heights VA 24572	Jamie Gil
8 Gray Saunders	1185 Isaac Watson Rd Mad. Hts., VA 24572	Gray Saunders
9 Timmy Terry	139 Kentmoor Farm Rd	Timmy Terry
10 Tabatha Terry	139 Kentmoor Farm Rd	Tabatha Terry
11 Jasmin Hoffmann	149 Kentmoor Farm Rd	Jasmin Hoffmann
12 Anthony Franko	149 Kentmoor Farm Rd	Anthony Franko
13 Richard Morton	141 Kentmoor Farm	Richard Morton
14 Rita Argenbryght	199 Kentmoor Farm Rd	Rita Argenbryght
15 George Argenbryght	199 Kentmoor Farm Rd	George Argenbryght
16 Jack Briggs	271 Kentmoor Farm Rd	Jack Briggs
Sharon Mallow	550 KENTMOOR FARM RD.	Sharon Mallow

We the undersigned do not want to see the forest in and around the landfill on Kentmoor Farm Road cut or removed. This would hurt the environment and cause more traffic on our road.

	Name	address	signature
17	Horace N. Knight	162 Brightwell mill	J. N. Knight
18	Johanne Knight	162 Brightwell mill Rd median Hpts, VA	Johanne Knight
19	Water Storm PCJ	171 Kentmoor Farm	Water Storm
20	Debra Turner	224 Mundy Mill Rd	Debra Turner
21	David Turner	224 Mundy Mill Rd	David Turner
22	Donna Keese	584 Kentmoor Farm Rd.	Donna Keese
23	Richard Keese	584 Kentmoor Farm Rd.	Richard Keese
24	Mark Faulconer	1416 Isaac Walton Road	Mark Faulconer
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