



**BOOK 37**  
**Pages 547-557**

**AMHERST COUNTY**  
**BOARD OF SUPERVISORS**



**Board of Supervisors**

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

**MINUTES**

**December 21, 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 December 21, 2021 at 7:00 p.m., the following members were present:

**BOARD OF SUPERVISORS:**

Jennifer R. Moore, Chair  
Tom Martin, Supervisor  
L. J. Ayers III, Supervisor  
Claudia D. Tucker, Supervisor

**ABSENT:** David W. Pugh, Jr., Vice-Chair

**STAFF:**

Dean C. Rodgers, County Administrator (absent)  
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 Martin and with the following vote, the Board amended the Agenda for December 21, 2021 by striking Item VI.E. AT&T Mobility Tower Expansion Exception Request 2021-505 and XII. Departmental Reports A. CPMT- Annual Report.

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

NAY: None

ABSENT: Mr. Pugh

### **III. Invocation and Pledge of Allegiance**

Supervisor Martin led the Invocation and Pledge of Allegiance.

### **IV. Citizen Comment**

Mr. Robert Richards of Amherst, Virginia addressed the Board and commented on the difficulty finding the minutes of meetings on the County website. He said he had stopped by the facility on December 20th and spoke with an employee and was unable to locate the minutes on the County website. He asked if someone would contact him to provide him with guidance on how to locate the minutes.

Mr. Richards also commented on his concern about crimes occurring nationwide and believed that Amherst County was "falling in the same suit". He understood the Commonwealth Attorney had let a person off on a murder charge that may be taken up at a later date. He said "this says to young people who have issues that they can get away with anything and believed this was a slap in the face to the Amherst County Sheriff's Office".

Chair Moore said she would have staff contact Mr. Richards regarding the minutes on the County website.

### **V. Presentation**

#### **A. Sheriff's Office Accreditation**

Mr. Erik Smith, Manager for Standards and Policy with the Department of Criminal Justice (DCJS), provided a presentation to the Board regarding the Amherst County Sheriff's Office and its Certificate of Accreditation.

Mr. Smith presented Sheriff E. W. Viar with a Certificate of Accreditation and congratulated him and all of his deputies on this accomplishment.

Sheriff Viar thanked everyone and said he and his department have worked very hard to achieve this accreditation.

### **VI. Public Hearing**

#### **A. Ordinance 2021-0009, Landscaping requirements for self-storage and accessory buildings.**

Community Development Director Jeremy Bryant presented a proposed ordinance that would require landscaping regulations to apply to self-storage containers/accessory structures.

Mr. Bryant said after the Beautification Committee and Planning Commission discussed this matter, it was discovered that the current permitted use for landscaping was not required along some locations on Rt. 29 Business. He said that the proposed ordinance would now require landscaping regulations and also be included in the zoning approval.

Mr. Bryant advised a First Reading of this change was heard by the Board on December 7, 2021.

Chair Moore opened the Public Hearing.

Proponents: None

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2021-0009 as proposed.

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

NAY: None

ABSENT: Mr. Pugh

B. Ordinance 2021-0010 Recreational Vehicle Code Modifications  
A-1 Agricultural Residential District

Community Development Director Jeremy Bryant advised the current ordinance allows individuals who are issued a permit to build a single-family dwelling to stay in a recreational vehicle on-site for 30 consecutive days.

Mr. Bryant said that due to the number of requests made by individuals building single-family dwellings, staff proposed a version that would allow a recreational camping vehicle on-site for 12 consecutive months, and would require folks to obtain a building permit, water and septic permit and onboard electricity.



Mr. Bryant advised that additional language has now been added to the proposed ordinance and reads as "a single camper is allowed during the construction".

Chair Moore opened the Public Hearing.

Proponents: None

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board adopted Ordinance 2021-0010 as proposed.

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

NAY: None

ABSENT: Mr. Pugh

C. Ordinance 2021-0013, Amending Section 3-76, hunting near highways

County Attorney Mark Popovich presented the proposed ordinance that prohibits hunting on or across a public right-of-way as was discussed at the Board's last meeting on December 7.

Supervisor Tucker commented that on National Forest land you are allowed to hunt from ditch to ditch and asked why the proposed ordinance was different from National Forest land.

Mr. Popovich said this ordinance was related to the County and not to National Forest land regulations.

In addition, Mr. Popovich said the language was recommended by the Commonwealth of Virginia based on model ordinances by the Virginia Wildlife Agency. The agency was required to come up with proposed ordinances and this was a version for localities to use.

Mr. Popovich said there was no model ordinance that talked specifically about ditch to ditch.

Chair Moore opened the Public Hearing.

Proponents:

Mr. Dallas Hill of Amherst, Virginia addressed the Board and spoke in favor of the proposed ordinance and that the County should stay with state law and

within the right-of-way of any roadway.

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Martin and with the following vote, the Board adopted Ordinance 2021-0013 as proposed.

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

NAY: None

ABSENT: Mr. Pugh

#### D. Dodd's Store Easement

Purchasing Agent David Proffitt advised that at the December 7 Board meeting, the County needed to establish a boundary line and easement at the Dodd's Store Convenience Center with Dorset Investment Group, the adjacent property owner.

Mr. Proffitt said a public hearing was necessary to finalize this transaction. He asked that the Board authorize the County Administrator to execute the Deed of Boundary Line and Easement Agreement.

Chair Moore opened the Public Hearing.

Proponents: None

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board authorized the County Administrator to execute the Deed of Boundary Line and Easement Agreement with Plat, as presented.

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

NAY: None

ABSENT: Mr. Pugh



E. AT&T Mobility Tower Expansion, Exception Request 2021-505  
**Item stricken from the agenda.**

F. David & Susan Moon Short-term Rentals, Exception Request  
2021-519

Community Development Director Jeremy Bryant addressed the Board and advised when the Planning Commission reviewed this special exception request, both adjoining property owners, Kelly and Duane Williams and James Barton, were in favor of the request and the use of the easements. Mr. Bryant reported that Mr. Barton then rescinded his approval during the Planning Commission meeting on November 18, 2021.

Mr. Bryant advised that Public Safety Director Sam Bryant looked at the location of the property and said that it was accessible to fire and public safety vehicles.

Mr. Bryant said he received an email from Kelly and Duane Williams that said they were withdrawing their consent to grant the Moons an easement for that entrance. (See Attachment 1)

Chair Moore opened the Public Hearing.

Opponents:

Mr. James Barton of Robinson Gap Road, Monroe, Virginia, addressed the Board and asked that the Board deny this special exception request. Mr. Barton said that A1-Residential Zoning requires at least a 500-ft. distance between a rental dwelling and the nearest dwelling. He said the proposed special exception would waive this. Mr. Barton informed the Board that his home is approximately 175-ft. from this rental dwelling and there was no buffer between the properties. He said he saw no value to the community allowing this rental business here, and retracted his previous statement that he was in favor of the rental business.

Proponents:

Mrs. Susan Moon of Robinson Gap Road, Amherst, Virginia, addressed the Board and advised she was not interested in renting the cabin full time but her intention was to rent it several times a month. She outlined the rules for all renters, which included no more than four individuals on the property at one time. She said that access to the cabin is by a joint-use driveway and has minimal traffic.

Supervisor Martin asked how the property would be listed. Mr. and Mrs. Moon answered that it would be listed through Evolve Rental, which is similar

to Airbnb.

Supervisor Tucker said she understood there was a shared well on the property. Mr. and Mrs. Moon responded that was correct, and the well was located on their property.

Chair Moore closed the Public Hearing.

Supervisor Martin asked Mr. Bryant if the short-term rental met all the requirements. Mr. Bryant replied that it did.

Supervisor Martin said that in terms of the ordinance and the location, access to the property was sufficient. He believed that there may be a dispute about the way the easement was written and not the way the land use was written.

Supervisor Tucker agreed with Supervisor Martin and this would meet all the requirements of the County ordinance.

By motion of Supervisor Martin and with the following vote, the Board approved the request as recommended by the Planning Commission with the noted conditions, and in addition added that a green vegetative buffer be planted along the property line of the neighboring property owner, Mr. James Barton.

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

Lastly, Mr. Bryant advised there was a drainfield located along the property line of Mr. Barton and that the vegetative buffer would stay outside of that drainfield. He was positive all of those requirements would be met.

## **VII. Consent Agenda**

### **A. Minutes - November 16, 2021**

By motion of Chair Moore and with the following vote, the board approved the Minutes of November 16, 2021.



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

**B. Appropriation of Revenue - Sheriff's Office**

By motion of Chair Moore and with the following vote, the Board approved the appropriation of revenue for the Sheriff's Office.

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

**VIII. Old Business**

**A. Davenport Funding Options for High School Renovation**

Mr. R. T. Taylor of Davenport presented an overview of the County's Debt Portfolio and to assess a school project at different levels.

Mr. Taylor presented an outline that noted the school project may cost as much as \$13.8M to \$19.15M. He provided the Board with discussion materials and comparison sheets of Scenarios 1 and 2 with options A thru D on how the County may choose the one-time County/School moneys.

In conclusion, Mr. Taylor advised the Board that there was no need for a decision to be made tonight. This was for informational purposes and for the Board to absorb and ask questions. He also provided VPSA Key Dates and the 2022 VPSA Spring Pool Timeline. Lastly, Mr. Taylor said the Board would need to schedule a public hearing for April 2022 on the bonds issued.

Supervisor Martin asked when the discussion would start. Finance Director Stacey McBride advised the first week of March. Mrs. McBride said we would hold a discussion on January 4 and the Board could give direction at that time to hold a public hearing on January 18.

The Board requested an additional discussion at its January 4, 2022 meeting, and would then provide direction to hold a public hearing on January 18, 2022.



Supervisor Martin requested that School Superintendent Dr. Rob Arnold to be present at the discussion on January 4.

**IX. County Administrator's Report**

A. Projects Status Report

For the Board's information only.

**X. County Attorney's Report**

County Attorney Mark Popovich said he would not be available on January 4 and that another member of the firm would be attending this meeting.

**XI. Liaison and Committee Reports**

A. Agriculture Committee - Claudia Tucker

Supervisor Tucker advised she had no matter to report on.

**XII. Departmental Reports**

A. CPMT- Annual Report

**This item was stricken from the Agenda.**

**XIII. Citizen Comment**

There was no public comment.

**XIV. Matters from Members of the Board of Supervisors**

Supervisor Tucker had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Supervisor Martin asked when the public hearing would be held on the ARPA money. Finance Director Stacey McBride advised a public hearing has been planned for January 18, 2022.

Supervisor Martin understood that many of the projects are currently on hold. Mrs. McBride responded and said the process of the Command Center and training are on order and moving forward.

Supervisor Martin asked that the County Attorney send a copy of the adopted Ordinance 2021-0011 regarding panhandling to the Sheriff's Office for enforcement.

Chair Moore commented and said that it has been an honor and privilege to serve on the Board for the past four years. She said she has learned so much during her tenure on the Board and thanked everyone for their support.

## **XV. Closed Session**

- A. A closed session Pursuant to Section 2.2-3711(A)(3) & (8) of the Code of Virginia for the purpose of discussing the acquisition of real property in the Madison Heights area of the county for a public purpose where discussion in an open meeting would adversely affect the bargaining position of the board and for consultation with legal counsel retained by the board regarding such acquisition.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed session pursuant Section 2.2-3711(A)(3) & (8) of the Code of Virginia for the purpose of discussing the acquisition of real property in the Madison Heights area of the county for a public purpose where discussion in an open meeting would adversely affect the bargaining position of the board and for consultation with legal counsel retained by the board regarding such acquisition.

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

NAY: None

ABSENT: Mr. Pugh

Supervisor Tucker motioned to come out of closed session and was approved by the following vote:

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

NAY: None

ABSENT: Mr. Pugh



## **XVI. Certification of Closed Session**

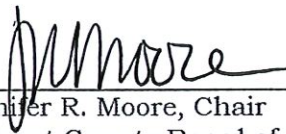
Supervisor Tucker moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Ms. Moore AYE  
Mr. Pugh ABSENT  
Mr. Martin AYE  
Mr. Ayers AYE  
Mrs. Tucker AYE

## **XVII Adjournment**

By motion of Supervisor Ayers, seconded by Supervisor Martin and with the following vote, the Board adjourned at 9:15 p.m.

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

  
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Jennifer R. Moore, Chair  
Amherst County Board of Supervisors

  
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Dean C. Rodgers, Clerk

**Regina Rice**

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**From:** Jeremy Bryant  
**Sent:** Wednesday, December 29, 2021 11:07 AM  
**To:** Regina Rice  
**Subject:** FW: [EXTERNAL]455 Robinson Gap Road planning/zoning hearing

[Please see below.](#)

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**From:** Kelly Williams [mailto:wmgrade@hotmail.com]  
**Sent:** Tuesday, December 21, 2021 4:43 PM  
**To:** Jeremy Bryant <jsbryant@CountyOfAmherst.com>  
**Subject:** [EXTERNAL]455 Robinson Gap Road planning/zoning hearing

My name is Kelly Williams and my husband and I own the property next to 455 Robinson Gap Road. We recently sent a letter with our approval for potential short term renters to have access to the shared driveway we have with David Moon. We just installed a new entrance and were approached by Mr. Moon about giving him an easement for that entrance, it's our understanding it is a requirement for a business, we have no wish to grant him an easement on our property. We have also been given conflicting information as to whether this will be used purely for rental or if the owners will use it for themselves a significant amount of time. Because of these reasons we would like to withdraw our consent at this time.

Warmest regards  
Kelly Williams  
(803)242-0526

B. Duane Williams  
(803)242-2847

Sent from my Verizon, Samsung Galaxy smartphone  
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