



BOOK 38
Pages 585-593



**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

February 15, 2022
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 February 15, 2022 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

Tom Martin, Vice-Chair
L. J. Ayers III, Supervisor
Claudia D. Tucker, Supervisor (via electronic participation)
Drew Wade, Supervisor

ABSENT: David W. Pugh, Jr., Chairman

STAFF:

Dean C. Rodgers, County Administrator
David R. Proffitt, Deputy County Administrator
Mark Popovich, County Attorney
Regina M. Rice, Clerk

Vice-Chair Martin called the meeting to order at 7:02 p.m.

Vice-Chair Martin motioned to authorize the electronic participation of Mrs. Claudia Tucker in tonight's meeting discussion and certification, pursuant to Section 2.2-3708.2(A)(1)(b) and (A)(2) of the Code of Virginia. Mrs. Tucker would be joining the meeting from her residence and is unable to attend the meeting due to a personal matter regarding an illness.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

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

II. Approval of Agenda

By motion of Vice-Chair Martin and with the following vote, the Board amended the Agenda for February 15, 2022 by striking Items XV. and XVI. related to the closed session.

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

III. Invocation and Pledge of Allegiance

Supervisor Wade led the Invocation. Supervisor Ayers led the Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Public Hearing

A. ARPA Spending Plan

County Administrator Rodgers presented the current ARPA Spending Plan and advised that \$6.1M will need to be spent by December 31, 2024. He reported the County budget needed to be amended to reflect the additional \$6.1M.

Mr. Rodgers outlined the list of projects for the benefit of the public. (See Attachment 1)

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Wade and with the following vote, the Board adopted the ARPA Spending Plan and Resolution 2022-0002-R to amend the FY 2022-2023 County Budget for the ARPA spending plan.

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

- B. Resolution 2022-0003-R, Authorizing the initiation of condemnation action or actions related to the Riveredge Park Vista Project.

County Attorney Mark Popovich addressed the Board regarding the Riveredge Park Vista Project to determine what additional property would be needed to be added to the park amenities.

Mr. Popovich said it was determined that four parcels would be suitable property for such park amenities. He advised that two parcels are owned by an LLC; one parcel has an unknown owner and records were searched as far back as the 1800s to no avail; and the fourth parcel has an ongoing legal dispute between the LLC and the owner across the street.

Mr. Popovich said the Code of Virginia requires that a public hearing be held and a resolution adopted to proceed with condemnation if that becomes necessary.

The Public Hearing was opened.

Proponents: EDA Director Victoria Hanson addressed the Board and read a letter from the Chairman of the EDA supporting the condemnation action. (See Attachment 2)

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board adopted Resolution 2022-0003-R, as presented.

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

VI. Consent Agenda

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

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

A. Appropriation - Blue Ridge Regional Jail FY 2021 True-up

It was moved that the Board appropriate \$49,343 from the Unobligated General Fund Balance to the jail budget line.

B. Grant Awards - Amherst County - Buffalo River Dam #2
(Thrasher Lake)

It was moved that the Board accept the DCR grants for Buffalo River Dam #2 in the amount of \$5,250 and appropriate \$1,000 from the Unobligated General Fund Balance for the project completion.

C. Minutes - January 18, 2022 Budget Workshop 5PM and
January 18, 2022 7PM

It was moved that the Board adopt the minutes of January 18, 2022 5PM and January 18, 2022 7PM.

VII. Special Presentation

A. Commemorative Resolution 2022-0001 Jennifer Moore

Vice-Chair Martin presented former Supervisor Jennifer Moore with a commemorative resolution for her service as the District 5 representative to Amherst County.

Ms. Moore thanked all Board members, staff and the citizens of Amherst County.

VIII. New Business

A. Change to Rules of Procedure

County Administrator Rodgers reported that he had received an email from a citizen requesting that the public no longer be required to identify their street address where they reside when addressing the Board of Supervisors during Citizen Comments and Public Hearings.

Mr. Rodgers suggested that the public simply state their name and the location of the county or voting district they reside in. He said if the Board approved this change, the Board's Rules of Procedure would be amended.

By motion of Supervisor Tucker and with the following vote, the Board directed staff to amend the Rules of Procedure to eliminate citizens from having to publicly state their address in the matter of speaking at Public Hearings and Public Comment and instead state the area of the county, or the voting district if it is known, in which they reside.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

B. Transfer Request for Public Works

Public Works Director Brian Thacker addressed the Board and advised that at the beginning of the fiscal year, three supervisory positions were created in Public Works.

Mr. Thacker said money was available to fund two of the three positions; the landfill operator and the grounds supervisory positions. However, the truck driver's supervisory position was not funded due to finances.

Mr. Thacker advised in February that there was some money left over in several accounts and he was requesting to transfer \$5,000 to create the third supervisory position.

By motion of Supervisor Ayers and with the following vote, the Board approved the transfer request for Public Works of \$5,000 from the Recycling line item within the Solid Waste Division to the Driver's payroll line item.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

C. Memorandum of Understanding between County and Service Authority

County Administrator Rodgers advised that the Board had directed staff to give the Service Authority a 50% discount on the disposal of sludge, and the County would come back for a reciprocal discount for services that the Service Authority provides to the County.

Mr. Rodgers said Service Authority Director Hopkins had agreed on the MOU

but not on the matter of water and sewer charges.

Mr. Rodgers asked the Board if the MOU should be sent to the Service Authority Board of Directors with the water and sewer rates included.

Vice-Chair Martin said the Board passed a motion to split the fee 50/50 in perpetuity for the cost of sludge disposal at the landfill. The MOU is now expanding that split to other things, both for the County and the Service Authority. He said that whatever is done should be equitable and across the board and he wanted to table the matter until further discussion.

Supervisor Tucker asked if there was a timeline. Mr. Rodgers said there was no timeline.

Supervisor Ayers and Supervisor Wade both agreed to have a further discussion regarding this matter.

Supervisor Wade suggested that Service Authority Director Hopkins share this with his Board of Directors to review.

By motion of Vice-Chair Martin and with the following vote, the Board tabled this item for future discussion at the next Board meeting.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

IX. County Administrator's Report

A. Boards/Commissions/Committees - BZA vacancies

County Administrator Rodgers reported he received a letter from Dr. Capps of Central Virginia Community College that Amherst County representative John Walker's term will end on June 30, 2022. Mr. Walker will have served two four-year terms on the CVCC Board, and therefore would not be eligible for reappointment.

Mr. Rodgers asked EDA Director Victoria Hanson to approach her Board and businesses to reach out to folks in the community to consider serving on the CVCC Board.

In addition to this, Mr. Rodgers reported there remains one vacancy on the

Board of Zoning Appeals Board and asked for guidance from the Board to readvertise this vacancy.

It was the consensus of the Board to readvertise the remaining vacancy on the Board of Zoning Appeals Board.

Mr. Rodgers further reported that there was another vacancy on the BZA, and that seat is currently held by Mr. Peter Bryan. Mr. Bryan submitted his letter of interest on January 27, 2022, requesting reappointment.

By motion of Supervisor Wade and with the following vote, the Board recommended to the Amherst County Circuit Court that Mr. Peter Bryan be reappointed as the at-large representative to the Board of Zoning Appeals Board.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh

X. County Attorney's Report

The County Attorney had no matter to discuss.

XI. Liaison and Committee Reports

A. Agriculture Committee - Claudia Tucker

Supervisor Tucker reported that the Nelson County Board of Supervisors met last Tuesday along with individuals from the Amherst County farming community.

Supervisor Tucker advised the Nelson County Board of Supervisors voted 3/2 to direct the County Administrator to engage the architectural firm to complete its study. This would allow both counties to make a decision about moving forward on the property.

B. School Board - Claudia Tucker

Supervisor Tucker advised that the School Board voted to end the mask mandate by the end of the month. She said masks will then become a choice for parents to make.

C. Parks, Recreation & Cultural Development Board- Tom Martin Vice-Chair Martin advised the Parks & Rec Board met last Monday. He said recreational basketball was under way and that Parks & Rec Director Nalley was working on setting up summer sports camps.

Vice-Chair Martin reported the Parks & Rec Board discussed installing a LOVE sign at Riveredge Park but they were unsure of funding at this time. The Board also discussed a request by Sweet Briar College to fish and camp at Mill Creek Lake. Vice-Chair Martin said that fishing is currently open but no camping is allowed. However, there may be a future discussion regarding this request.

XII. Departmental Report

A. Budget Status Report as of December 31, 2021

For information only. The Board is receiving a quarterly budget status report. County Administrator Rodgers said there is a report in the packet with explanation notes. He advised we are half way through the budget year and everything should be around 50%, and had nothing in particular to point out at this time.

B. General Fund Availability Report

County Administrator Rodgers advised the Board that there is currently approximately \$6.1M with no obligations, no assignments and no commitments and for the Board to use as needed.

XIII. Citizen Comment

There was no public comment.

XIV. Matters from Members of the Board of Supervisors

Supervisor Wade said he has been contacted by several citizens concerning drug overdose deaths in areas where they live. He said that he has spoken to the Sheriff's Office and they are actively investigating the matter.

Supervisor Tucker had no matter to discuss.
Supervisor Ayers had no matter to discuss.
Vice-Chair Martin had no matter to discuss.

XV. Closed Session

Item stricken from the Agenda.

- A. A closed session pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, to discuss a personnel matter.

Item stricken from the Agenda.

XVI. Certification of Closed Session

Item stricken from the Agenda.

XVII Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 7:40 p.m.

AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker and Mr. Wade

NAY: None

ABSENT: Mr. Pugh



David W. Pugh, Jr., Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk

CURRENT ARPA SPENDING PLAN

TOTAL FUNDING	\$ 6,138,901
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COMMITMENTS:

ACSA for sewer projects (normally funded annually)	1,000,000
Broadband (\$200,000 to come from schools)	2,825,400
PPE	20,000
UNEMPLOYMENT	30,000
OTHER COVID EXPENSES	25,000

ARPA PROJECTS FUNDED:

Building Inspector - vehicle and computer*	40,000	
Scentral Bark	150,000	
Pedlar Squad 34 1999(46,642 from ESC for full project)	478,358	
Nonprofits supporting youth sports	50,000	
Water and Sewer Infrastructure	1,000,000	
Public Safety Command Center*	110,000	
Lake Trails	44,243	
Premium Pay Bonuses *	222,900	
Public Safety Training Console*	40,000	
Mill Creek Improvements	103,000	
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	2,238,501	
Total Projects		6,138,901
Remaining Funds		\$ -

* Already obligated



Feb. 11, 2022

Amherst County Board of Supervisors
153 Washington St.
Amherst VA 24521

Dear Board of Supervisors:

The Economic Development Authority of Amherst County (EDA) supports the Riveredge Park Vista Project to incorporate adjacent property to expand and improve the park. The Amherst County community, including businesses, children, and youth, have consistently stated in polling that more recreational amenities are needed. The Economic Development Strategic Plans have captured the community's desire for more activities and things to do, especially for young adults and children, to keep our youth and young professionals from leaving Amherst County. Employers in Amherst County also want a community that is appealing to their workforce to attract and retain the best workforce possible in order for their businesses to thrive.

The EDA believes the Riveredge Park Vista Project will increase economic activity by drawing visitors from the adjacent Lynchburg urban core with a thriving downtown, as well as visitors from the region, to Madison Heights. More visitors means more spending at Amherst County businesses as the visitors stop for gas, shop for groceries or building supplies (Lowe's), and eat at restaurants. The proximity to the thriving downtown Lynchburg is a major plus for the park as people visiting or living downtown can look across the river and see the exciting recreational opportunities at Riveredge park. Retail and businesses in the commercial development in the project area will bring sales tax revenue to Amherst County by attracting customers from downtown Lynchburg to Madison Heights. This increase in visitors will help bring in new restaurants and services which will keep the residents' tax dollars in Amherst rather than leaking to other localities.

While the EDA understands it is the County's intent to reach an amicable means to acquire the additional properties needed to expand Riveredge park, we support the condemnation action if necessary.

Regards,

Chad Eby, Chairman
Economic Development Authority of Amherst County