



**BOOK 38
Pages 613-625**



**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

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

BOARD OF SUPERVISORS:

Tom Martin, Vice-Chair
L. J. Ayers III, Supervisor
Drew Wade, Supervisor

ABSENT: David W. Pugh, Jr., Chairman
Claudia D. Tucker, Supervisor

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 7:00 p.m.

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

II. Approval of Agenda

Vice-Chair Martin made an amendment to the March 15, 2022 Agenda and requested to strike Section XI. Items A. and B. due to Supervisor Tucker's absence.

By motion of Supervisor Wade and with the following vote, the Board approved the amended agenda for March 15, 2022.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

III. Invocation and Pledge of Allegiance

Supervisor Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. Gregory Snyder of Waughs Ferry Crossing, addressed the Board regarding the repair of this road. He said VDOT advised him this would have to go through the Board of Supervisors. Mr. Snyder said he lives on a one-half mile of unpaved road that is nothing but fine dust and is requesting this road be repaired.

Mr. John Furry of District 5 addressed the Board regarding the Riveredge Park Vista project and the condemnation of citizens' properties. He said he read the mission statement of the Board that said to "increase citizen engagement". He has not seen any of this regarding the park project to date. The resolution that was passed by the Board was vague and was covered under the statement of "recreation".

Mr. Furry proposed several questions to the Board regarding the cost and need for this project. He said it would be difficult and expensive to put something on this cliff and a zip line so close to the railroad, and not to mention the extra traffic added to those streets, safety issues and the zoning.

Mr. Furry stated that there was no evidence presented of any kind of study before the Board passed the resolution. He suggested the public needs to be involved and asked that the Board provide information for the community to access.

The Citizen Comment session was closed.

V. Public Hearing

A. Public Hearing on Virginia Public School Authority (VPSA) General Obligation Debt Financing

R. T. Taylor of Davenport presented information to the Board to obtain financing from the Virginia Public School Authority Spring Pool (VPSA) to pay for the high school renovations. In December 2020, he worked with staff to analyze the various school construction projects and how to use \$19.6M for this construction.

Mr. Taylor presented three different scenarios to analyze how the county would use the "one-time" county and school moneys.

Mr. Taylor said the proposed resolution would direct the County to use VPSA Spring Pool funding, and that the bonds would be priced on or about April 22 and would close on May 17.

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 approved the resolution and the execution of the bond sale agreement by the County Administrator.

ROLL CALL VOTE

Mr. Wade: AYE

Mr. Ayers: AYE

Mr. Martin: AYE

Mr. Pugh : ABSENT

Mrs. Tucker: ABSENT

B. Special Exception 2021-594 Grant Massie

Community Development Director Jeremy Bryant presented Special Exception 2021-594 by Grant Massie for two special exceptions for short-term tourist rentals; one dwelling located at 503 Woodson Road and the second located at 505 Woodson Road.

Mr. Bryant said that both dwellings have direct access to a state-maintained road, and advised the Planning Commission had recommended approval with noted conditions.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board approved the request with conditions recommended by the Planning Commission.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

C. Special Exception 2022-017 David Cooper

Community Development Director Jeremy Bryant presented Special Exception 2022-017 by David Cooper to allow a short-term tourist rental of a dwelling located at 312 Montrose Road.

Mr. Bryant addressed one concern that an easement crosses through another property to access Mr. Cooper's property. He said that the easement does run through family-owned property and would not be an issue.

Mr. Bryant said the Planning Commission had recommended approval with noted conditions.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board approved the request with conditions recommended by the Planning Commission.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

D. Special Exception 2022-051 Joseph Jerina

Community Development Director Jeremy Bryant presented Special Exception 2022-051 by Joseph Jerina for an auto repair garage and a towing operation located at 128 Old Town Connector.

Mr. Bryant advised that staff is working on revisions to the site plan with the applicant that will address a reduction in the size of the entrance and add landscaping across the front.

The Public Hearing was opened.

Proponents: Alan McCormick, a partner with Mr. Jerina, addressed the Board and stated they were both opening a business that will employ ten people. He said he is looking forward to bringing a successful business and revenue to Amherst County.

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Martin and with the following vote, the Board approved the request with conditions recommended by the Planning Commission; and, the Board amended those conditions so that the landscaping complies with the County Code and the entrance complies with VDOT's standards.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

E. Ordinance 2022-0001 Sign Exemptions

Community Development Director Jeremy Bryant presented a proposed amendment to the current zoning ordinance regarding sign exemptions. He said that certain types of signs are required by federal, state and local law. Amherst County's zoning ordinance does not exempt those types of signs required. The proposed amendment would provide this change.

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 approved Ordinance 2022-0001.

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

F. Ordinance 2022-0002 Revoking of Permits

Community Development Director Jeremy Bryant presented information on the steps of revocation of a special exception permit. He advised this process would be evaluated by the Planning Commission, staff and through a public hearing process.

Mr. Bryant said this would be based on use, lack of conditions or lack of follow-through when special exceptions are approved.

The proposed ordinance would allow the Board of Supervisors to revoke a permit by resolution, which would include a review by the Zoning Administrator and the Planning Commission. The Board of Supervisors would then make a final decision.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board approved Ordinance 2022-0002.

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

VI. Consent Agenda

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

AYE: Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

A. Minutes - February 15, 2022

It was moved that the Board adopt the Minutes for February 15, 2022.

B. Appropriation of Revenue - Sheriff's Office

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

C. Appropriation of Revenue - Amherst County Public Schools

It was moved that the Board appropriate \$ 213,395 of additional funds to the 2021-2022 School Operational Budget.

VII. Special Presentation

A. Firefly Broadband Fiber Buildout Plan

Mr. Gary Wood and Ms. Melissa Gay of Firefly Broadband addressed the Board and provided an update on Firefly's fiber buildout plan.

Mr. Wood said Amherst County has been very supportive of the VATI application. He provided information on areas that are connected, including the Gladstone and Colleen substations. He also identified completed areas as the CARES Act projects, which include Boxwood Farm Road, Gladstone, Roses Mill, Flatwood and Warwick Barn.

Mr. Woods explained that Ms. Melissa Gay, Communications Manager, would address the next build-out plan.

Ms. Gay addressed the Board and advised that they would be working in the Temperance area. She said a hut would be placed in that area including Little Piney, Indian Creek, Winton, Hartless Road, Geddes Mountain and Toytown. Those areas are scheduled to be connected in the winter and spring in 2023. She said Firefly would be built from Temperance to Elon, Madison Heights and Stapleton for completion by fall of 2023.

Mr. Woods advised that the maps on their website would be more accurate and Firefly's goal is to make sure people who do not have internet service would be provided a service at a competitive price.

B. Animal Shelter Operations

Captain Julette Renalds of the Amherst County Sheriff's Office, and Mr. Tony Cerqua of the Humane Society, addressed the Board regarding the animal

shelter operations.

Captain Renalds said their process is to evaluate and make decisions that involve euthanizing in order to provide the healthiest animals to the Humane Society for adoption. He commented that there is a space issue, but we have treatment options to ensure the survival of the animal.

Mr. Cerqua said the Humane Society is fueled by donations and the thrift store that they operate. He said no Board members are compensated for personal expenses and the Humane Society is not affiliated with other organizations.

Mr. Cerqua explained the process of how the animals are assessed before adoption. He reported they are involved in transferring dogs and cats in rescue vans that travel to the northeast.

Vice-Chair Martin asked County Administrator Rodgers to bring back to the Board a proposal that would increase the spay and neuter program in Amherst County.

VIII. New Business

A. Redistricting Committee

Community Development Director Jeremy Bryant reported to the Board that the Redistricting Committee was formed to address the 10-year Census requirements. It is required that the population of each district be within a 10 percent deviation of each other. He said the 2020 Census found there was more than a 10 percent deviation that occurred between District 4 and District 5.

Mr. Bryant thanked Registrar Fran Brown and Mrs. Leslie Gamble who both spent time on the Redistricting Committee, as well as the two youth who were also part of the committee.

He advised the Redistricting Committee proposed two options: Option 1 being less disruptive to citizens and closer to their current voting precinct; and Option 2 being more disruptive to citizens by crossing property boundaries.

The Redistricting Committee recommended Option 1, which would be the least disruptive to citizens voting at a precinct near their home. It would move census blocks 3002, 3012, 3013, 3014, and 3017 from District 4 to District 5, totaling 453 citizens.

County Attorney Mark Popovich said the General Assembly adopted legislation in response to the decision by the U.S Supreme Court regarding the preclearance process, and Virginia adopted the legislation by proposing one of two ways to change redistricting boundaries: 1) a public process including public involvement, meetings, and public hearings; or 2) a more streamlined process to request a recommended change to the Attorney General's Office to analyze for legal compliance, which would allow the county to proceed to hold a public hearing to revise the voting district boundaries. These changes must be made within 60 days.

By motion of Supervisor Wade and with the following vote, the Board directed the County Attorney to present Option 1, changing the boundary between Districts 4 and 5, to the Virginia Attorney General's Office to review and certify with no objection the proposed redistricting boundaries as permitted by Section 24.2-129 of the Code of Virginia.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

IX. County Administrator's Report

A. Boards/Commissions/Committees - Agriculture Committee vacancies

County Administrator Rodgers presented information to the Board regarding appointments to the Agriculture Committee.

Mr. Rodgers said that staff received letters of interest from Mr. Craig Maddox and Ms. Lisa Powell. The third seat remains vacant and staff would continue to search to fill this vacancy. Both individuals will serve a two-year term ending December 31, 2024.

Supervisor Martin motioned to appoint Craig Maddox and Lisa Powell as representatives to the Agriculture Committee for terms ending December 31, 2024.

Vice-Chair Martin then withdrew his motion to allow Supervisor Ayers to make the motion.

By motion of Supervisor Ayers and with the following vote, the Board appointed Craig Maddox and Lisa Powell as representatives to the Agriculture Committee for two-year terms ending December 31, 2024.

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

X. County Attorney's Report

The County Attorney had no matter to discuss.

XI. Liaison and Committee Reports

A. School Board - Claudia Tucker
Item stricken from the Agenda.

B. Agriculture Committee - Claudia Tucker
Item stricken from the Agenda.

C. Parks, Recreation & Cultural Development Board- Tom Martin
Vice-Chair Martin said the Parks & Recreation Board met last night. He reported there has been a record number of youth who have registered for soccer; a land, water and conservation fund grant has been applied for that will be 50/50 matching grant and would give the County double its investment.

Vice-Chair Martin shared the following upcoming events:

March 26 - Outdoor Expo at Izaak Walton Park

April 16 (2PM-4PM) – Easter Egg Hunt for children at Poplar Grove Golf Course

May 17 - Senior luncheons start at the Madison Heights Community Center in partnership with the Sheriff's Office

May 21 – Art Show at Monroe Community Center

D. Blue Ridge Regional Jail Board of Directors Meeting, March 3, 2022.

For information only.

XII. Departmental Reports

A. Amherst County Museum & Historical Society - Annual Report
Director Octavia Starbuck addressed the Board and provided an annual report on the Museum. Past President Cynthia Hicks and Vice-President

Midge Elliott were also present.

Mrs. Starbuck explained how COVID affected the museum during the past two years. She reported that the museum was increasing activities once again, and in particular, hosted an open house for the Monacan Nation's new exhibit launched in November 2021.

Mrs. Starbuck provided statistics on individuals who contacted the Museum for research, resources and files on Amherst County.

Mrs. Elliott reported the Museum now has new signage that has been installed on the building and out front of the yard.

The Board thanked Mrs. Starbuck, Mrs. Hicks and Mrs. Elliott for the good work that the Museum is doing in the community.

XIII. Citizen Comment

Mr. Jerald Samuels of Amherst County, addressed the Board and requested to place a "leave it or take it" 8x12 shed at each of the area convenience centers. He asked for the Board's support.

Supervisor Ayers voiced his support and commended Mr. Samuels for doing this project. He said that a shed had been placed at the Pedlar Convenience Center and it was doing very well.

Vice-Chair Martin thanked Mr. Samuels for doing this in honor of his brother and asked that he contact Public Works Director Thacker to coordinate the project.

The Citizen Comment Session was closed.

XIV. Matters from Members of the Board of Supervisors

XV. Closed Session

- A. A closed session pursuant to VA Code Section 2.2-3711, Subsection (A)(3), for the purpose of discussion related to 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, specifically related to the acquisition of properties located in District 5 and District 2.

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

Supervisor Wade motioned that the Amherst County Board of Supervisors convene in closed session pursuant to VA Code Section 2.2-3711, Subsection (A)(3), for the purpose of discussion related to 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, specifically related to the acquisition of properties located in District 5 and District 2; and a closed session pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended, to discuss a personnel matter.

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

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

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

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

XVI. Certification of Closed Session

Supervisor Wade 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.

Mr. Martin: AYE

Mr. Ayers: AYE

Mr. Wade: AYE

Mr. Pugh: ABSENT

Mrs. Tucker: ABSENT

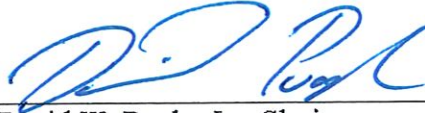
XVII Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:37 p.m.

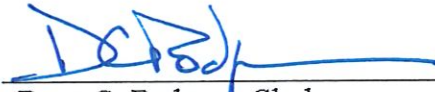
AYE: Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mr. Pugh and Mrs. Tucker

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

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

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

Dean C. Rodgers, Clerk