



BOOK 38
Pages 640-651



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

April 19, 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 April 19, 2022 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

David W. Pugh, Jr., Chairman
Tom Martin, Vice-Chair
L. J. Ayers III, Supervisor
Claudia D. Tucker, Supervisor
Drew Wade, Supervisor

ABSENT: None

STAFF:

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

Chairman Pugh 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 Chairman Pugh and with the following vote, the Board amended the Agenda for April 19, 2022 by striking Items B. and C. under V. Public Hearing.

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

III. Invocation and Pledge of Allegiance

Supervisor Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. John Furry (District 5) addressed the Board concerning the proposed Riveredge Vista Project in Madison Heights. He asked the Board to provide him with information about how this decision was made and questioned how the Board passed a condemnation resolution without any data. He said the public was not engaged in an active forum on this decision. Mr. Furry said that lack of openness was no excuse and was told by the County Administrator the plan was too new to openly discuss it.

Mr. Furry asked why this matter was discussed in a closed session. He said people are wondering what was going on because eminent domain will affect property values and asked for information that should be readily available to the public. He said it appeared that the Board was acting on information that had some potential monetary interest. Mr. Furry asked the Chairman and the District 5 Supervisor to provide more information to the public and wondered if there was something that the Board was hiding from the citizens.

Mr. Sterling Ewers (District 5) addressed the Board and remarked that the area is zoned residential and there would be an increase of traffic on Stumps Hill if the project was developed there. He said that children play in this area and voiced his concern about their safety and the impact to citizens living in this community. Mr. Ewers said he was against giving this property to a private developer by eminent domain.

Ms. Kelly Whitmore (District 5) addressed the Board and said that County Administrator Dean Rodgers had made two statements during the March 2022 meeting that the condemnation process had not started. However, she said a December 21, 2021 letter sent by the County Attorney to her stated that the letter served as a "formal notice" of the County's intent to acquire her property and "notice of intent to acquire property by eminent domain". (See Attachment 1)

Ms. Whitmore said that the County Administrator had been discussing this project since 2018 and personally visited her property to ask if she would sell it to the County to create a park on the clifftop. He said he had a developer

who was interested in the property. Ms. Whitmore stated that Mr. Dave McCormack came to her property in 2018 and told her he had purchased the adjoining property and a surveyor was sent to survey her property.

In closing, Ms. Whitmore said her property is located where the restaurant is being proposed and asked the Board of Supervisors to reconsider allowing this project.

Ms. Gloria Witt (District 3), President of the NAACP Amherst Branch 7045, addressed the Board with a proposal from the NAACP. Ms. Witt said this was related to the March 2022 meeting where the Board of Supervisors discussed how they were considering purchasing real estate near Riveredge Park property. Ms. Witt said the NAACP has recommended that the Board of Supervisors, the Planning Commission and the Recreation Department consider installing a cooling station for young children in this area, which has the greatest population where air conditioning is limited to many homes. (See Attachment 2)

Mr. Sid Storzum (District 2) addressed the Board and stated he was concerned about the School Board budget and believed it was excessive and not well spent. He questioned the fact that the school administration had grown considerably and learned it was a result of having to collect certain data related to federally mandated programs taught in schools. Mr. Storzum believed that county schools should return to a basic education for children and not follow federal and state directives such as the critical race theory curriculum.

V. Public Hearing

- A. Ordinance 2022-0003, amending Sections 3-16 and 3-28 of Chapter 3, Animals, to make revisions to County Code regarding dangerous dog ordinance provisions.

County Attorney Mark Popovich advised that certain revisions to the dangerous dog ordinance were technical amendments to County Code. He said the General Assembly made certain technical amendments to State Code and those changes would now bring County Code into compliance with those revisions.

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 adopted Ordinance 2022-0003.

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

- B. Ordinance 2022-0004, amending and reenacting Chapter 10, Offenses and Miscellaneous Provisions, Article V, Abatement of Refuse and Weeds.

This item was stricken from the agenda.

- C. Ordinance 2022-0005, amending and reenacting Chapter 9, Motor Vehicles and Traffic, Article VI, Inoperable, Abandoned, and Unattended Vehicles; Parking Violations, Division 3, Inoperable Motor Vehicles, Section 9-173, Penalty.

This item was stricken from the agenda.

- D. Deed of Dedication

County Administrator Rodgers reported that the County owns the property located in front of the Train Depot. The proposed deed would give a 50-ft. section of right-of-way to the Town of Amherst. The Town would then grant this section to VDOT to pave and connect Lynchburg Road to Depot Street.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

By motion of Supervisor Tucker and with the following vote, the Board authorized the execution of the Deed of Dedication for the Lynchburg Road Connector right-of-way as presented.

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

E. Special Exception 2022-086 Julie & Brian Parrow

Community Development Director Jeremy Bryant presented information regarding Special Exception 2022-0086 by Brian and Julie Parrow for a pastor's retreat, church and wedding venue at 1770 Early Farm Road. Mr. Bryant said this would repurpose the building that had previously been a hunting lodge and treatment facility. He advised the Planning Commission recommended approval with the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Parking: Guests shall be required to park on the property and not park on neighboring lots or on any right-of-way outside of their property unless they have written permission.
4. Transportation: The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.
5. Public Safety: The owner shall meet all requirements set forth by the Director of Public Safety as it has to do with access to the property.
6. Dumpster: The dumpster shall meet all screening requirements as required in the Landscaping regulations.
7. Traffic: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.

The Public Hearing was opened.

Proponents: Julie Parrow addressed the Board and introduced herself and her husband as owners of the property. She thanked the Board for their consideration of the special exception.

Mr. Jim Thompson of District 3 addressed the Board and, as a member of the Planning Commission, said he appreciated what the Parrows were doing with the property and bringing new business to the County.

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board approved Special Exception 2022-086 with the conditions recommended by the Planning Commission.

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

NAY: None
ABSENT: None

F. Budget Presentation

County Administrator Rodgers presented the FY2023 budget that included the O&M, CIP and Supplemental projects. He reported the total revenue was \$52M, which included operating expenses of \$49M; Capital Improvement Projects of \$1.7M; and Supplemental of \$170,000. He reported this would leave a balance of \$1.3M, which he explained was a result of the increase in used vehicle values. Mr. Rodgers said that balance would be placed into savings for the Board's use.

Mr. Rodgers summarized the following:

No tax increase; a 20% reduction in personal property vehicle assessed values; a 6.5% COLA; new debt service for Amherst County High School project; an increased cost of employee benefits (VRS & Health insurance); and savings for future needs.

Mr. Rodgers outlined the following Goals:

Broadband expansion
Residential growth in designated areas (CVTC Redevelopment Plan and Madison Heights Master Plan)
Promote Business Growth
Promote Tourism
Promote/Protect County Assets
Achieve Education Excellence
Recruit/Retain High Quality Staff
Increase Citizen Engagement and Future Funding Challenges

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

Supervisor Tucker reported that citizens who had called her, including teachers, business owners, and the growing interest from parents concerning what was being taught in the County schools. She said she talked with

school board members about hiring a new school superintendent and was confident that the person they chose would reflect the community's values. She was concerned about the increase in the number of people working in the School Administration and was told it is due to mandates by both the federal and state for data that has to be collected.

Supervisor Tucker said the \$16M the Board of Supervisors contributes to the School Board budget is a "drop in their bucket"; however, it is money that comes from the "backs of County residents" and to make sure it is being spent to reflect the fabric of this community. She asked the School Board to examine those grants and know the requirements needed to teach in order to take the grant money, and also remember the taxpayers and those people who elected them to their office. She thanked the School Board for the work they had done.

Vice-Chair Martin said he was concerned about Sheriff's deputies and Public Safety employees being stolen by other localities, and asked the Board to keep an eye on this. If data shows that employees are leaving for higher salaries, he hoped that Board members would do something to keep those well-trained individuals here in the County.

Vice-Chair Martin thanked Finance Director Stacey McBride for the budget preparation.

Chairman Pugh echoed the same and appreciated all of the work that the staff had done.

By motion of Vice-Chair Martin, the Board voted to convene at least 7 days from today to consider approval of the FY23 O&M Budget and Capital Improvement Plan, as presented.

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

NAY: None

ABSENT: None

Mr. Rodgers said the approval of the budget by the Board will be done at the May 3 meeting.

VI. Consent Agenda

- A. Minutes - March 15, 2022 - 5PM Budget Workshop, March 15, 2022 - 7PM and March 22, 2022 Budget Workshop

By motion of Chairman Pugh and with the following vote, the Board approved the Minutes of March 15, 2022 - 5PM Budget Workshop and March 15, 2022 – 7PM meeting.

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

By motion of Chairman Pugh and with the following vote, the Board approved the Minutes of March 22, 2022 - 5PM Budget Workshop.

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

- B. Commemorative Resolution 2022-0004-CR

It was moved that the Board adopt Commemorative Resolution 2022-0004-CR as presented.

- C. Appropriation for Real Property Acquisition

It was moved that the Board appropriate funding for the purchase of 148 Horseford Road, Madison Heights, Virginia not to exceed \$15,000 from the Unobligated General Fund Balance.

VII. New Business

- A. Youth Sport Success and Funding Request

Recreation Director Patrick Nalley addressed the Board with regard to a funding request. He reported there has been a large increase in the number of participants in basketball and spring and fall soccer. He said along with this growth in numbers has come an increase in the cost of uniforms and field paint. He requested that the Board appropriate \$9700 to cover the increased expenses from revenue collected this year. Mr. Nalley said he would also request an adjustment to his budget next year to anticipate continued growth in the programs.

By motion of Supervisor Ayers and with the following vote, the Board appropriated \$9700 from fiscal year 2022 recreation activities revenue into the 2022 Recreation budget.

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

VIII. County Administrator's Report

A. Emergency Operations Plan Update 2022

County Administrator Rodgers reported that Public Safety has provided an updated 2022 Emergency Operations Plan. This plan of action is reviewed every four years.

Vice-Chair Martin noted the Amherst Fire Department has one brush truck and the Monelison Fire Department has two brush trucks. He asked that be corrected in the plan.

By motion of Supervisor Wade and with the following vote, the Board directed staff to create a resolution to approve the Emergency Operations Plan for Amherst County, Virginia and make the correction that Amherst Fire Department has one brush truck and the Monelison Fire Department has two brush trucks.

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

IX. County Attorney's Report

County Attorney Mark Popovich reported that he was on a conference call with the outside counsel representing all localities in the Commonwealth regarding the opioid litigation. He said they were hopeful the monies from the settlement agreements would begin to "flow" by the end of May or June.

X. Liaison and Committee Reports

A. School Board - Claudia Tucker

Supervisor Tucker reported that the School Board is going through the process of selecting a new superintendent. In addition to that, she reported that the Sheriff's Office is working on the recent disturbance that occurred at Amherst County High School.

B. Agriculture Committee - Claudia Tucker

Supervisor Tucker reported that two members from Nelson and Amherst Counties met last week. She said it appears that the land is suitable for use for an agricultural complex. It will now be up to the Nelson and Amherst County Board of Supervisors to decide if the project will move forward; however, this would not commit Amherst and Nelson to the debt of the structures.

C. Emergency Services Council - Jimmy Ayers

Supervisor Ayers said that the Emergency Services Council canceled its meeting last week due to a large brush fire. It will be rescheduled for April 27th.

D. Parks, Recreation & Cultural Development Board- Tom Martin

Vice-Chair Martin reported that the number of participants in spring sports is up, which he credits to the quality of the programs with staff and volunteer support. In addition, he said the Parks and Recreation Board did not meet last Monday due to the unfortunate passing of JoJo Alcock, a long-time member of the Parks and Recreation Board, who would surely be missed.

Chairman Pugh expressed his sympathy as well.

XI. Citizen Comment

XII. 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 1, District 2, and District 5.

Chairman Pugh 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 1, District 2, and District 5.

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

NAY: None

ABSENT:None

Supervisor Ayers motioned to come out of closed session and was approved with the following vote:

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

NAY: None

ABSENT:None

XIII. 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. Pugh: AYE

Mr. Martin: AYE

Mr. Ayers: AYE

Mrs. Tucker: AYE

Mr. Wade: AYE

XIV. Matters from Members of the Board of Supervisors

Supervisor Wade had no matter to discuss.

Supervisor Tucker had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Vice-Chair Martin asked the County Administrator to check on adding Geddes Mountain Road to VDOT's rural road paving list.

Chair Pugh had no matter to discuss.


XV. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:58 p.m.

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

NAY: None

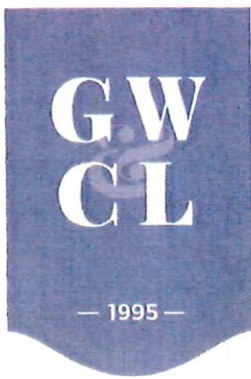
ABSENT: None

A handwritten signature in black ink, appearing to read 'D. Pugh', 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. Rodgers', written over a horizontal line.

Dean C. Rodgers, Clerk



Guynn, Waddell, Carroll & Lockaby, P.C.

- Attorneys at Law -

Jim H. Guynn Jr. Jeremy E. Carroll Michael W.S. Lockaby Mark C. Popovich
Emily K. Stubblefield Christopher S. Dadak Julian F. Harf

December 22, 2021

Attachment 1

VIA FIRST CLASS MAIL

Ms. Kelly Whitmore
117 Layne Street
Madison Heights, Virginia 24572

**RE: Notice of Intent to Acquire Property by Eminent Domain and Bona Fide Offer to Purchase
Tax Parcel ID: 160A3-A-161**

Dear Ms. Whitmore:

On behalf of the Amherst County Board of Supervisors, please allow this correspondence to serve as Amherst County, Virginia's formal notice of its intent to acquire the above-referenced parcel pursuant to the condemnation procedures of the Commonwealth of Virginia, pursuant to Section 25.1-204 of the Code of Virginia (1950, as amended). As required therein, the County hereby makes the following bona fide offer to purchase said parcels at the following fair market values:

Tax-Parcel ID 160A3-A-161: \$ 25,000.00

In furtherance of this bona fide offer to purchase, please find enclosed the requisite title search and appraisal information the County has acquired in order to assess ownership interest and fair market value. Please note that your ownership interest for Parcel ID 160A3-A-161 is based upon your ongoing legal involvement related to property ownership pursuant to Case Number CL18000735 in the Amherst County Circuit Court.

Please review the information provided and provide the County Administrator, Mr. Dean Rodgers, P.O. Box 390, Amherst, Virginia 24521, with a formal response regarding your acceptance or denial of this offer by January 31, 2022.

With best regards, I am

Sincerely yours,

Mark C. Popovich
Amherst County Attorney

Enclosure(s)

cc: Dean Rodgers, Amherst County Administrator



Amherst County Branch 7045

Board of Supervisors Meeting – April 19, 2022

During the March meeting, the Board of Supervisors stated they were contemplating purchasing real estate near the River's Edge Park property. The NAACP interprets this to be a willingness to enhance recreational opportunities.

An element of the NAACP mission includes a focus on social development. Research suggests that children achieve positive social development results through recreational experiences. With the budget process approaching, the NAACP is recommending that the Board of Supervisors, Planning Commission, and/or the Recreation Department consider installing a cooling station for young children, like the one at Riverside Park in Lynchburg, VA; if not near the River's Edge Park, somewhere on the Southern end of Amherst County. It is understood that the population density is greatest in this area of the County coupled with the concern that air conditioning is limited within many homes.

The NAACP believes that creating this space will positively improve the lives and quality of life for children across the County.

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NAACP AMHERST COUNTY

Amherst County Branch 7045 is the preeminent voice of Amherst County Black Citizens and advocates for policies and programs to benefit Blacks and people of color. You can read more about our work on Facebook >:AmherstVANAACP

Media Contact: Gloria T. Witt, President, NAACP Amherst Branch 7045