



BOOK 38
Pages 706-718



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

July 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 July 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
Drew Wade, Supervisor

ABSENT: Claudia D. Tucker, Supervisor

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 July 19, 2022 by adding under VIII. New Business Item B. Emergency Services Council Recommendation; under XV. Closed Session, removing Item A. "to evaluate the performance of the County Administrator"; and under Item B. adding District 2, to read "specifically related to the acquisition of property located in District 5 and District 2".

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

NAY: None

ABSENT: Mrs. Tucker

III. Invocation and Pledge of Allegiance

Supervisor Wade led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Chairman Pugh explained the rules concerning citizen comments and reminded everyone that the Board receives information but does not make any comments at this time.

June Harvie McNamara, District 2, addressed the Board and said she lives around Mill Creek Lake. She asked the Board the following questions and would await their answers:

She wanted to know about the environmental survey and what will determine the trail around Mill Creek Lake Park, the engineering survey, what is the experience this firm has and from the survey, what are you expecting?

What are the permits and the impact on wildlife, water quality, erosion, noise, trash and how will those results be incorporated into the survey and will this change the project in any way?

How to determine the increase in recreation on the environment and what are the metrics you are using to measure and how this will impact the final decision?

A \$350,000 grant has been approved with the parameters of the project and asked that information be shared with us.

Chairman Pugh asked Ms. McNamara to send her question to Mr. Rodgers.

Ms. McNamara asked if any decision had been made concerning the trail. Chairman Pugh said there would be a discussion in closed session this evening.

V. Public Hearing

A. Rezoning Request 2022-283 Rowan Holdings LLC

Community Development Director Jeremy Bryant presented the request by Rowan Holdings, LLC for a conditional zoning of 170.8 acres from B-2 and M-1 to a Mixed Use/Traditional Neighborhood Development District, which would allow a residential development containing apartments, townhomes, patio homes, single-family homes, and parks. Mr. Bryant advised this request would include an amendment to the Future Land Use Map (FLUM) of the Amherst

County Comprehensive Plan from Commercial and Manufacturing to Urban Development Area.

Mr. Bryant explained that the amended proffers were provided to the Board in the agenda packet.

The Public Hearing was opened.

Proponents:

Brian and Kirsten Donohue of Madison Heights, VA addressed the Board and said they were "thrilled" to be a part of this and excited about a new beginning for the church.

Mr. Jay Gray of Bedford County, VA addressed the Board and said that he frequently attends Grace Church and, with the proposed development, the church would be able to do more for the community.

Ms. Betsey Allanson-Thomas of Amherst, VA addressed the Board and said, as a member of Grace Church and also working in the public schools, she was excited to be able to do more in Madison Heights and looking forward to placing the church in this area.

Ms. Debbie Wendlans of Madison Heights, VA addressed the Board and said she teaches at Elon Elementary and is excited to have the church as a permanent place in this community.

Mr. Keith Wendlans of Madison Heights, VA addressed the Board and said church members want to be a part of this community. He said the potential to put a garden there to feed people was exciting and also a park to take children to.

Mr. Sam Davis of Madison Heights, VA addressed the Board and said, as the owner of a real estate company and developer, he supported this project and was excited to see this happening in Amherst County.

Kacie and Jimmy Kirshberger of Monroe, VA addressed the Board and said they both supported this development.

Mr. Trevor Gillispie of Madison Heights, VA addressed the Board and said, as a real estate broker, this project was a beautifully designed community and would provide a great need for patio homes and townhomes.

Opponents: None

The Public Hearing was closed.

The Board discussed issues related to the VDOT traffic study and traffic signal lights, ingress and egress points, the church entrance and the phases of construction.

Supervisor Ayers expressed his thanks to Mr. Patel and his effort to develop this area.

By motion of Supervisor Ayers and with the following vote, the Board approved the rezoning request as presented, including the modifications to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan and accepted the proffers that were presented and revised.

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

NAY: None
ABSENT: Mrs. Tucker

B. Special Exception 2022-279, Steve & Susan Coffey

Community Development Director Jeremy Bryant presented a special exception request by Steve and Susan Coffey for a short-term tourist rental on 4234 Lexington Turnpike.

Mr. Bryant said the Planning Commission recommended approval of this request with the conditions including, lighting, sewerage facilities, parking, transportation, public safety requirements, and meeting all requirements that regulate short-term tourist rentals.

The Public Hearing was opened.

Proponents: Ms. Susan Coffey addressed the Board and said she would like to bring hospitality back into the community and provide a place for folks to reconnect to the beauty of the countryside as well as bring revenue to the county.

Opponents:None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board recommended approval of the request with the recommended conditions.

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

C. Update to the Amherst County Comprehensive Plan

Assistant Planner Tyler Creasey presented an update on the 2007-2027 Amherst County Comprehensive Plan. Mr. Creasy provided a slide presentation that showed the updated 2020 Census data, tables, charts and changes to policy.

Mr. Creasy said included in this update were modifications made to the FLUM (Future Land Use Map) and the inclusion of the Master Plan for Central Virginia Training Center's redevelopment.

The Public Hearing was opened.

Proponents:None
Opponents:None

The Public Hearing was closed.

By motion of Vice-Chair Martin and with the following vote, the Board approved the update to the 2007-2027 Amherst County Comprehensive Plan as recommended by the Planning Commission and the proposed modifications made by Vice-Chair Martin.

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

NAY: None

ABSENT: Mrs. Tucker

Supervisor Wade commented that there was a formatting issue in the appendix regarding some of the summary tables, and asked that it be amended.

VI. Consent Agenda

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

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

NAY: None

ABSENT: Mrs. Tucker

A. Minutes - June 7, 2022

It was moved that the Board adopt the minutes of June 7, 2022.

B. Appropriation of Revenue - Amherst County Public Schools

It was moved that the Board appropriate \$ 275,000 of additional funds to the 2021-2022 School Operational Budget.

C. Appropriation of Revenue - Sheriff's Office

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

D. Carryforward Appropriation - Tourism Advertising Funds

It was moved that the Board approve carrying forward the unspent FY 2021-22 Tourism Advertising Funds to the FY 2022-23 Budget.

E. Closure of Pole Building Reserve

It was moved that the Board instruct staff to close the Pole Building Reserve and place those funds into the General Fund Unobligated Fund Balance.

F. FY2023 Amherst County Wage Structure Adjustment

It was moved that the Board adopt the pay band adjustments presented by the County Administrator.

VII. Old Business

A. Boards/Commissions/Committees - Agricultural Committee vacancy

County Administrator Rodgers presented information to the Board regarding the Agricultural Committee vacancy. He spoke to Eric Bowen, Clerk of the AG Committee, who said he had the support of the rest of the committee regarding Mr. Price's request for appointment.

Chairman Pugh clarified that Mr. Price was not a resident of Amherst County. He also remarked that Supervisor Tucker was not here today and he would like to hold this off on making an appointment until the next meeting.

Supervisor Ayers stated he met Mr. Price and said he is a very impressive young man who has an interest in Amherst County as well as Nelson County. He works as a forester with Greif and is very motivated and has a wealth of knowledge of agriculture.

Vice-Chair Martin asked if there was a residency requirement. Mr. Rodgers responded no, that the committee is a nine member committee and not tied to districts but to different types of agricultural industries.

Supervisor Wade requested an interview with Mr. Price.

It was the Board's consensus to interview Mr. Tyler Price for the vacancy on the Agricultural Committee at the next meeting.

B. Boards/Commissions/Committees - Central Virginia Community College
Board - interview

Mr. Rodgers advised the Board that at the June 21, 2002 meeting, the Board requested staff to set up an interview of Nickcole Maynard-Errami for the vacancy on the Central Virginia Community College Board at the next scheduled meeting on July 19, 2002 at 7:00 p.m.

Mr. Rodgers then invited Ms. Errami to the podium and the Board welcomed her. Each Board member then presented an interview question to Ms. Errami.

Ms. Errami introduced herself as a resident of Amherst County. She said she has four children who will be attending Amherst County Schools in the fall. She explained her knowledge of the CVCC Board and remarked on her role working as the Director of Human Resources and with Title IX, the Offices of Civil Rights and the Department of Education. She said her professional life makes her well suited for this position and said she cares about government, legislation and Title IX and what that means. She said she is an important role model to her children by being involved and an engaged citizen having a voice.

Ms. Errami said she is a neighbor to Jeremy Bryant and has worked with Kari Sprouse at Sweet Briar College. She concluded that CVCC does a great job with Workforce Development and is aware of legislative agendas and the impact on schools with Title IX regulations and how to work on that with students. Ms. Errami said she is well positioned to contribute in that way.

It was the Board's consensus to continue a discussion regarding the appointment of Nickcole

Maynard-Errami to the Central Virginia Community College Board and she would be contacted.

VIII. New Business

A. Dispatch Starting Pay Rate

County Administrator Rodgers addressed the Board regarding the starting salary for Public Safety Dispatchers. He said Supervisor Ayers had requested he find out how the county could raise the starting pay for the dispatchers.

Mr. Rodgers said a newly hired dispatcher starts at \$14.76 per hour and that salary currently applies to three people who have recently been hired. He proposed a starting salary at \$16.00 per hour that would apply to the three new hires and one employee who is caught up in the compression. He said this would be a recurring expense and would come out of the unobligated general fund.

Vice-Chair Martin asked about pay progression for the dispatchers.

Mr. Rodgers said the only progression is through the cost of living increases and some areas where employees gain additional certifications. However, in general, there is no progression.

Vice-Chair Martin said he believed the dispatchers are a vital part and supports the increase and would like to see a position progression if employees receive additional training.

Chairman Pugh voiced his support as well.

By motion of Chairman Pugh and with the following vote, the Board approved to increase the starting salary for newly-hired dispatchers to \$16/hr. and transfer \$26,000 from the Unobligated General Fund budget line item in the FY2023 O&M Budget.

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

NAY: None

ABSENT: Mrs. Tucker

B. Emergency Services Council recommendation (added)

In an opening statement by Vice-Chair Martin, he stated he serves as the Fire Chief of Amherst Fire Department. He said while he receives no monetary compensation from his volunteer service, and since this issue is solely related to Amherst Fire Department, he will abstain and recuse himself from any discussions on this matter to prevent any real or perceived conflict of interest.

Vice-Chair Martin left the dais of the meeting room at this time.

Public Safety Director Sam Bryant introduced Assistant Chief Steve Drummond of the Amherst Fire Department.

Mr. Bryant addressed the Board about the issue of the replacement of a fire tanker. He said this was part of the CIP budget at a cost of \$871,615. However, the vendor has had three price increases to produce this vehicle, which has now increased the cost by an additional \$170,000. Mr. Bryant advised that the current tanker is 22 years old and it is hard to support it with parts. He said the Emergency Services Council met several times prior to today, and held an emergency meeting at 6:00 p.m. tonight to recommend the Board of Supervisors' consideration of the additional cost. Mr. Bryant said this tanker should last for at least 20 years. He said the new tanker would increase the water capacity to 2500 gallons, have additional safety and storage features and could carry six members.

Supervisor Ayers said the Board approved the replacement of this tanker in the CIP. However, the 19.5% increase that was added due to inflation, put an additional \$169,965 on the CIP number. He recommended increasing the water capacity to 2500 gallons with an upgraded transmission to address the additional weight. Supervisor Ayers said the \$160,403 was needed to address inflation, the additional water capacity and the undercarriage.

Mr. Dummond said this would serve as a tanker and pumper if it was needed in another part of the county.

Chairman Pugh said he was not aware of having a custom-built truck. Mr. Bryant replied that service on custom-built trucks was better and can get serviced in Roanoke. He said there have been custom-built trucks over the years, which the county could afford because inflation was not a factor at that time. However, he believed there was a need to be fiscally responsible.

Mr. Bryant said the County Administrator directed him to create a standard plan for replacement of fire engines, tanker trucks and rescue trucks, which will be done by a committee.

By motion of Supervisor Wade and with the following vote, the Board approved the request of an additional \$160,403 needed for the tanker purchase.

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

NAY: None

ABSENT: Mr. Martin

ABSENT: Mrs. Tucker

Vice-Chair Martin returned to the dais of the meeting room at this time.

IX. County Administrator's Report

A. Project Status Report

For the Board's information only.

B. Appointment of the New FOIA Officer

County Administrator Rodgers addressed the Board and reported that he had rearranged the responsibilities of his administrative staff. He said he had given Kristen Freeman some additional duties and she would no longer be the FOIA officer. He would like to appoint Joy Niehaus as the County's new FOIA Officer.

By motion of Chairman Pugh and with the following vote, the Board appointed Joy Niehaus, Public Information Officer, to the position of FOIA Officer for the County.

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

NAY: None

ABSENT: Mrs. Tucker

X. County Attorney's Report

County Attorney Mark Popovich advised the Board that the original disbursement date for the initial payment for the opioid settlement was last Friday. He said the settlement agency handling this did not have it completed. Mr. Popovich said the first disbursement should happen by the end of this month.

XI. Liaison and Committee Reports

A. Agriculture Committee - Claudia Tucker

Supervisor Tucker was absent.

B. Emergency Services Council - Jimmy Ayers

Supervisor Ayers reported that at the last two meetings, the major discussion was the equipment for the Amherst Fire Department, which has been a topic of discussion at this meeting tonight.

C. Blue Ridge Regional Jail Board of Directors Meeting, July 7, 2022.

For information only.

XII. Departmental Reports

A. Recreation, Parks, and Tourism- Annual Report

Ms. Heather Follett, Chair of the Recreation, Tourism and Cultural Development Department addressed the Board and presented the 2021-22 Annual Report.

Ms. Follett provided an update on Fall and Spring Soccer and basketball registration for children. She reported that senior adult activities have resumed and participation has increased,

which include senior luncheons, bingo, pickleball and exercise programs. In addition, she spoke about classes offered, including art classes, line, round and square dancing. There were several special events held, including the Halloween Drive-thru, the dedication of the Alan Bumgarner Field, Eggstravangza and two events sponsored by the Amherst Art Society.

Ms. Follett advised they are waiting for confirmation from the National Park Service and DCR to see if the county will receive any funding for upgrades to Seminole and Mill Creek Lake parks.

In conclusion, Ms. Follett said that the Recreation Board is creating a long-term vision plan for the next 5-10 years.

B. Planning Commission - Annual Report

Mr. Michael Bryant, Chairman of the Planning Commission, provided the Planning Commission's 2021 Annual Report with a PowerPoint slide presentation. Mr. Bryant reported on the following:

The Planning Commission now has two youth on the board who provide great insights and perspectives.

Installation of new signage for Lowesville and Elon areas.

Internet expansion continues and is very important and vital to the county.

A food truck ordinance was enacted.

The Rt. 29 Beautification Committee has planted and replaced trees along the Rt. 29 Business Corridor and VDOT has increased mowing along this corridor.

The Madison Heights Master Plan, which will help and be the blueprint for the future, identifies areas that the county will need to improve on.

The Master Plan for CVTC provides great insight for the existing infrastructure and use of that land for potential developers.

Zoning permits have increased and updates have been completed to the Site Plan Ordinance, the Comprehensive Plan and the Madison Heights Town Center.

All four Board members thanked Mr. Bryant for his presentation and the good work the Planning Commission continues to do.

XIII. Citizen Comment

There was no public comment.

XIV. Matters from Members of the Board of Supervisors

Supervisor Wade advised he met with some folks from the Old Towne Community group last week and received concerns about folks parking on the sidewalks. He said Mr. Rodgers and Mr. Popovich were looking into this and pulling together some ordinances from surrounding counties to see if something could be done to address this matter.

Vice-Chair Martin advised that he had spoken to the County Administrator about

the overgrowth on the bridge on Puppy Creek Road near Angel Hollow Road.

Vice-Chair Martin commented on the matter raised by Mr. John Marks, Jr. on several occasions regarding the landfill. He asked the County Administrator to give the Board a timeline on the development of the landfill to make sure we are transparent.

Chairman Pugh asked about the COVID money that had been appropriated to the recreation sports leagues and if that money had been released. He asked for some type of communication to assist people in submitting requests to the County, since those organizations are counting on the funds. The County Administrator said he would provide a report to the Board.

XV. Closed Session

- A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

This item was stricken from the agenda.

- B. 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 property located in District 5.

Chairman Pugh motioned that the Amherst County Board of Supervisors convene in 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 property located in District 5 and District 2.

Chairman Pugh motioned to come out of closed session and it was approved with the following vote:

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

XVII. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:46 p.m.

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



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



Dean C. Rodgers, Clerk