



BOOK 38
Pages 731-742



**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

August 16, 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 August 16, 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
Mark Popovich, County Attorney
Kristen Freeman, Clerk

Chairman Pugh called the meeting to order at 7:00 p.m.

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

NAY: None

ABSENT: None

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

II. Approval of Agenda

By request of Supervisor Ayers the Board amended the agenda to add Mill Creek Trail as Item B under VII. Old Business.

By motion of Chairman Pugh and with the following vote, the Board approved the agenda with noted changes for August 16, 2022.

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

NAY: None
ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Martin led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

The following citizens addressed the Board during this session:

Ms. Pat Malchow asked where we are with the bike trail. She states there are lots of rumors flying around and her main concern is that we are not condemning anyone's private property. Supervisor Pugh stated no one on this board wants to condemn or will condemn anyone's private property for a recreational trail.

Mr. Tim Ware said he would like to compliment the board on the work on the Mill Creek swimming area. He would like to speak in favor of the trails around the lake. He said these trails are low impact and the people who ride bikes and hike are not into littering and they take care of the trails and are pretty nature-friendly people. He knows some have land concerns, but the idea of a trail system is a great idea. This county needs more stuff like that. Mr. Ware says our mountains and lakes are not being utilized. Mr. Ware said this is a huge resource at our back door that we are not using. Mr. Ware says we have ATV trails that come through our county. We have plenty of National Forest and we have the three lakes and he is glad to see them being used and the beach area at Mill Creek is great. He said he is not for taking someone's land but if the county owns the land we should be utilizing it. Mr. Ware said one of his biggest gripes is about not using our natural resources.

Mr. Jonathan Shjonning. Mr. Shjonning said he is here to support the trail around Mill Creek. He said he has a pretty vested interest in the county he owns a business here in the county and has three small boys. He says they go to the rail trail at times but to have something close by would be really nice. Mr. Shjonning offered to help in anyway he can and stated trails don't cost a lot of money they just take time. He said people enjoy having outdoor resources close to home.

Mrs. Ruth Warner, District 2, said she would like to thank everyone on the board that has taken the time to speak to her. She said she lives on the lake and has lived here for 40 years and raised her family here. She said she moved her for the county and then to Mill Creek for the privacy and beauty. She said the lake is beautiful but placing trails compromises the lake. She said she has a voice with the other citizens that live there and they feel it will affect their privacy and safety. She was robbed last year and had destruction to her property. She said we should have parks and trails but be considerate of all the factors. She again thanked the board.

Mr. Daniel Warner, District 2. He says he feels the same heartthrob as others. Mr. Warner said we are all a family. He said this is not Lynchburg where we all have sidewalks running right through our yard or alleyways, it changes the chemistry. He questioned what is a mutual win for all families involved. There are certain things about natural resources that once it's gone it's gone. We have this incredible natural resource, how are we going to manage it that is our responsibility at the highest apex level. He is concerned that not everyone is going to use this in the most amiable way. Property owners will be responsible for being more vigilant. He states this is an echo from the other thirty families on the lake. He questioned what is the plan to manage the shenanigans that will take place. Mr. Warner also asked about the disturbance to the wildlife.

Ms. Victoria Warner, District 2. I love the peace and quite and serenity of living around the lake. If the idea of developing a trail around the entirety of the lake has dissipated, what other developments are you thinking of and where.

The Citizen Comment session was closed.

V. Public Hearing

- A. Ord. 2022-0006, amending §§ 801 and 1207, of Appendix A – Zoning and Subdivision, of the County Code, relating to utility, cemetery, storm-water facility lots and storm-water divisions.

Community Development Director Jeremy Bryant presented a proposed ordinance for minimum lot standards and platting requirements for storm-water facilities, utilities, and cemetery lots. The purpose is to offer flexibility for future developers, citizens and utility companies. It reduces the standards of subdivision platting requirements to allow the creation of storm-water facilities, utility lots, and cemetery lots to go below the minimum lot area and lot width for the zoning district in which they are situated.

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 2022-0006.

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

NAY: None

ABSENT: None

- B. Ord. 2022-0009, amending and enacting § 302 of Article III, §§ 702, 703, 705, 706, 707, 708, and 712 of Article VII, and § 1104 of Article XI of Appendix A – Zoning and Subdivisions Ordinance to the County Code.

Community Development Director Jeremy Bryant presented a proposed amended ordinance. The change is an addition to the County's site plan review requirements. It requires architectural elevation drawings to be provided for any new or structurally altered buildings in the V-1, Village District. This ordinance change will provide County staff, elected officials and citizens of the County with the ability to better understand the appearance of the development being proposed.

In addition, Ordinance 2022-0009 includes language to incorporate storm-water facility lots as a permitted use in various zoning districts. This proposed change provides developers with the opportunity to create storm-water facility lots that can be managed by HOAs, POAs, etc. and to ensure the maintenance of such facilities is not foisted onto the property owner on which the facilities exist.

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 adopted Ordinance 2022-0009.

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

NAY: None
ABSENT: None

- C. Ord. 2022-0010, amending and enacting §§ 702.02 and 702.03 of Article VII – Other Requirements of Zoning Districts, and §§ 904.01 and 904.02, and §§ 904.04 through 904.09 of Article IX - Special Provisions of Appendix A – Zoning and Subdivisions Ordinance to the County Code.

Community Development Director Jeremy Bryant presented a proposed ordinance that changes the designation of campgrounds in the A-1, Agricultural Residential district from a permitted use to a special exception use.

In addition, this ordinance also includes changes to section 904, Travel Trailer Parks of the Amherst County Zoning and Subdivision Ordinance. It changes section 904 from "Travel Trailer Parks" to "Campgrounds" so that use may include tents, yurts, cabins, or other structures suitable for temporary habitation. In addition, due to the intensity of the use, the change from a permitted use to a special exception will allow citizens, and more importantly, adjoining property owners the ability to voice any concerns about a proposed campground.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

By motion of Chairman Pugh and with the following vote, the Board adopted Ordinance 2022-0010.

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

- D. Special Exception 2022-378 Rowan Holdings LLC

Community Development Director Jeremy Bryant presented a special exception request by Rowan Holdings LLC for a special exception request. The purpose of the request is for two multi-family apartment buildings within the residential neighborhood area of the Madison Heights Town Centre development that is zoned MU/TND. The two apartment buildings will have 54 units in each building, totaling 108 apartment units. The site will also feature garage units with a clubhouse and pool. The parcel is identified as tax map numbers 156-A-3A, 156-A-4 and 156-A-5.

The property was rezoned to MU-TND in July of 2022 with proffers. They are:

1. All site plans are to be built generally in accordance with the Master Plan dated 5/12/22.
2. All new utilities are to be underground.
3. The densities and design shown on the current rezoning for 9.9 Acres will be adopted within the upcoming 170.1 Acre development rezoning.
4. All roads will be built to the Virginia Department of Transportation (VDOT) standards.
5. In order to be in compliance with the subarea requirement within a MU/TND project, the applicant shall submit a Master Plan for the remainder of the property that will include tax map numbers 156-A-3A, 156-A-

3 (portion), 156-A-5 (portion), 156-1-2, 3, 4A, 5, C (portion) and 156-A-4 (portion) that meets all regulations found in Section 711 of the Amherst County Zoning Ordinance

6. The two 54-unit apartment buildings will be white brick for the first three stories, the top story will use materials such as cementitious siding and External Insulation Finishing System (EIFS) on the top level and cornice lines as attached hereto as Exhibit B. The pool house shall have a brick or masonry façade and be constructed in substantial conformance with the design of the apartment buildings.
Conditions recommended by Planning Commission are:

1. Master Plan: That the apartment buildings and complex are built generally in accordance with the Master Plan dated 5/12/2022 and comply with all approved proffers from the rezoning (2022-2004).

2. Regulations: All other local, state and federal regulations shall apply.

Mr. Trent Warner, of Hurt & Proffitt, addressed the Board and stated that in their planning stages of getting the first site plans here with the first two apartment buildings he sat down with Tyler Creasy and Jeremy Bryant and went through the ordinance. They just submitted two site plans for these two apartment buildings and the clubhouse. On the apartment buildings a grading plan has been submitted to DEQ and the county. They almost have that ready to go and are waiting on DEQ approval. He said with such a big Master Plan he will be back a few more times.

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 2022-0010 with the conditions recommended by the Planning Commission.

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

NAY: None

ABSENT: None

VI. Consent Agenda

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda for August 16, 2022.

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

NAY: None

ABSENT: None

A. Financial Policy - Public Works Revenue Policy

County Administrator Rodgers presented the board with some information on the topic. Public Works employees are engaged in a variety of initiatives on their part that bring in revenue, such as assisting with code enforcement clean-up, mowing for the EDA, and pulling scrap metal out of the landfill. They also do earthworks for different nonprofits. All of this is done with existing resources and within existing time constraints so that it does not cost the county any extra. Because this revenue comes in we set it aside in a special revenue account that pays for their uniforms, boots, and various pieces of equipment for them. This

special fund can be used for regular county expenses if that budget has been exhausted. Rather than rolling these funds into the unobligated general fund at the end of the year we have proposed to take 25% of the remaining funds and give bonuses not to exceed \$500 for a specific group of employees that do that extra revenue-generating work. They are not required to do this work. It is an initiative on their part and it is proposed that this is an incentive to keep them doing that.

Not every department is able to utilize this type of incentive or the equipment or resources to do this extra sort of thing but he does not want to disincentivize anyone from doing anything extra. I want to continue to incentivize this type of extra initiative. Vice-Chair Martin said this is saving the county dollars and what gives him pause is the fact that other departments don't have the ability to raise extra funding for a bonus. He said there is no problem with spending the funds on the uniforms, boots, and equipment. Chairman Pugh stated he agrees with Vice-Chair Martin and suggests they do as they just did previously, the item of actually giving the bonus should be brought before the Board at the given time and then authorized to this Board. Chairman Pugh also questioned the wording of not to exceed \$500 and asked how much are we talking about in this fund. Mrs. McBride, Finance Director, stated some of this money runs through the Solid Waste fund and that this last fiscal year there was an estimated remaining balance of around \$10,000 in the special fund. The remaining balance will vary. County Administrator Rodgers explained that other departments are not able to mow grass and do extra things but those that do have the opportunity to earn extra money should be incentivized to and he is trying to incentivize benefit to the county to deny somebody an opportunity because others don't have it is to disincentivize that extra effort. Chairman Pugh asked if these employees were working overtime to do this extra work. County Administrator Rodgers responded that no they were doing this during their normal scheduled hours. Supervisor Tucker commented that the Public Works workers are working in conditions that most do not want to. If we can incentivize them where is the harm? Vice-Chair Martin stated he agreed, but again, he is concerned about the other departments that do not have the ability to go collect extra revenue. Supervisor Tucker states the other departments may be able to come up with more creative ways to save money and do this same type of thing. County Administrator Rodgers stated that another factor he found influential is that we are trying hard to get a pay-for-performance system and it is hard to do that for the grounds employees and this seemed like a way to implement that mindset in that department, we are incentivizing good performance which is what we want to try to do for everybody.

By motion of Supervisor Tucker and with the following vote, the Board adopted financial policy 3-14 - Public Works Unbudgeted Revenue Policy.

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

NAY: None

ABSENT: None

B. Appropriation of Revenue - Sheriff's Office

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

VII. Old Business

A. Boards/Commissions/Committees - Agricultural Committee - interview

Supervisor Tucker asked Tyler Price to come forward. She stated she had spoken to the chairman and members of the Ag Committee, Mr. Bowen, who serves as secretary as well as some members of the community. Supervisor Tucker motioned to dispense with the interview as Mr. Price has a consensus of support. Mr. Price stated he lives in Madison Heights and he is a forester at Grief. He runs a beef cattle operation with his father in Nelson County. He is here to volunteer his time and services to help and promote the future of Agriculture and Forestry within Amherst County. He stated he is honored to have this opportunity.

By motion of Supervisor Ayers and with the following vote Mr. Tyler Price was appointed to the Agriculture

Committee Board.

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

NAY: None

ABSENT: None

Addition to the agenda.

B. Discussion of Mill Creek Lake

Chairman Pugh stated Supervisor Ayers had requested this discussion. He stated this has been an interesting time to sit on the Board. They have received many calls and have had many members of the community come up and speak.

Supervisor Ayers stated over the last several weeks they have received phone calls, emails, and messages from folks that live in close proximity to the lake and to the county boundaries. Supervisor Ayers said in speaking to some of the families that had to give up some of their property for this watershed project for this lake to be put in it has affected their livelihood, raising tobacco and crops for cash and it impacted them greatly. He said he walked several pieces of property and looked at the survey markers that were in place and to look at the close proximity that we would be opening up to the general public to be in contact with would be irresponsible on our part. He said he is not against the bike trails, he is, for the most part, when it comes to recreation in this county, very open-minded to things for the community. But when we think about and look at the news about everything going on around us, for us to be closed-minded about opening up a trail that's in such close proximity to many of the owners of property that are around and adjoin the county's property he can't see us doing that. He said we can take the parcel that is not in close proximity and look at that and review that and consider expanding on that. He stated "these people would like a peace of mind and he is willing to make a motion that the Board will not consider any of that property that is in close proximity to those private property owners around that body of water for a walking trail, bike trail, or anything. He said they can remain open about the parcel the county owns that is not in any close proximity to these property owners that are pretty much in contact with that body of water and we would be subjecting the general public right to their property and I'm willing to make that in a motion for us to put these folks at rest and so they're not continually struggling as to what's what and what they will be having to deal with in the future."

Supervisor Tucker stated since this is in her District she would like to comment that it is no surprise that she has supported this bike trail, she said she supports it immensely just as she supports recreation in all of our county. She said she was invited by someone who lives on the lake to come see a new thing they had built and this was the first time at their house and they told her if you just come here and see what we see you will get it. She said she went down there, sat on their veranda, and looked at the lake and she did get it. She said she does understand why someone who has land that adjoins the lake would not want to see people they don't know go across their property. However, there is a lot of that land that is owned by the county and should be enjoyed by all citizens. She said she supports what Supervisor Ayers said and will support the motion and she would also like to add that we put together a group of concerned citizens and look at what we can do that doesn't infringe upon the rights of others but still opens access to that lake for biking and walking.

Supervisor Wade asked Supervisor Ayers what is considered close proximity.

Supervisor Ayers responded that he "didn't know and that we can make that determination now as far as footage and that probably the best thing is if the remainder of that property is considered for a bike trail development or whatever use it is designed for that once it is laid out that we look and see how is it going to impact anyone and to what extent." Supervisor Ayers stated that "the properties he visited would basically be a sidewalk or a trail right around their property line and that's very close proximity so whether we determine that here tonight I leave that question to the Board." Supervisor Ayers said they need to look at the larger

parcel and decide how close they will come to those properties.

Chairman Pugh stated he has been opposed to this project and once the information came back that the feasibility of it was in question because parts of it the lake was the boundary and there was no room to put a trail he said once he saw that and many of the other Board members had seen that they contacted a couple of the people in that area to see if they would be willing to allow a trail across or not. Chairman Pugh said he doesn't know if the answers came back but he is pretty sure they were no. He completely agrees with Supervisor Ayers and society has changed, that is a rural area and he does not know how you would police that since it is in such a rural area and he thinks looking at the larger piece of property is the right thing to do. Vice-Chair Martin said he supports what Supervisor Ayers is saying and that he thinks that what Supervisor Wade was asking on determining close proximity is important and that just looking at the map he is not sure we could get to any other county property if we don't define what close proximity is. He stated he is not in support of taking anyone's property by eminent domain for the trail. If someone was willing to sell property or grant an easement, he would be interested in talking to them about it. He said we should conduct Master Planning efforts for all of our parks and recreation in Amherst County. Vice-Chair Martin said he does not want to be so tight on the definition of close proximity and he isn't sure how we get there.

County Administrator Rodgers asked the Board if there was any interest in exploring a boardwalk along the water, Chairman Pugh answered no. He would like to put the trail around the lake to bed. Vice-Chair Martin stated he agrees.

By motion of Supervisor Ayers and with the following vote the Board voted that they will not look at putting a bike trail around Mill Creek Lake that would infringe on any of the private property owners whose properties adjoin that body of water.

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

NAY: None

ABSENT: None

VIII. New Business

A. Public Safety Director Selection Process

County Administrator Rodgers stated we are advertising the position for Public Safety Director and receiving applicants through indeed. The normal process is to cull through those applicants and select the ones we want for an interview. County Administrator Rodgers has some really good applicants and I know the Board would like to express its directions on how to go through the process. Normally Mr. Rodgers, Mr. Proffitt, Deputy County Administrator, HR Director Linda Felix, and one or two department heads would interview the selected candidates and any Board member interested would also be invited to participate in the interview process. Mr. Rodgers asked if there was anyone else the Board would like to participate in the process.

Chairman Pugh suggested having some individuals from the local fire department be involved.

Supervisor Wade suggested someone from the Sheriff's office be on this committee as they would be working hand in hand with the Public Safety Director.

Vice-Chair Martin said schools, public safety, and trash is where we spend a lot of our county resources and he agrees with Supervisor Tuckers' way of putting it that this is a very high-profile position that touches a lot of lives. Vice-Chair Martin said he does agree that someone from the Sheriff's Department should be on this committee. He stated he is not interested in being on this committee. He does believe someone from the volunteer fire dept and the volunteer rescue squad and someone from dispatch should be involved and give their input and any applicants that have already been called be given to this committee. He also suggested that Supervisor Ayers would be beneficial on this committee.

Supervisor Ayers would like to see a citizen from the county that has the experience to serve. He suggested Chris Adams who is a paramedic, former flight medic, and volunteer with Pedlar.

Chairman Pugh agrees on having Supervisor Ayers and Mr. Adams serve on the committee and someone from the Sheriff's office. Supervisor Tucker suggests going to the Chamber and the EDA for a suggestion on someone. Chairman Pugh would like to see a panel of four.

Vice-Chair Martin suggested Jeff Tanner, Amherst Second Assistant Chief.

Supervisor Ayers suggested Charlse Goodin.

Supervisor Wade suggested Sam Bryant be involved.

County Administrator Rodgers was directed by the Board to ask these individuals to serve on this committee. Mr. Rodgers questioned what authority this group will have. The Board stated the group will make the determination on who would be selected and the offer made by the county.

By motion of Chairman Pugh and with the following vote the board directed that a selection committee be established to process the applicants for the Director of Public Safety. The committee will consist of, upon their acceptance, Jeff Tanner, Chris Adams, Jimmy Ayers, Charlse Goodin, and a representative from the Sheriff's Office, as well as the County Administrator. The committee will cull the applicants, select candidates for interviews, and select the new Public Safety Director.

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

NAY: None

ABSENT: None

B. Installation of George Banton memorial plaque, Virginia Blue Ridge Railway Trail

Mr. Brian Thacker, Director of Public Works reported that a group of citizens and local users of the Virginia Blue Ridge Railway Trail (VBRRT) have paid for a bronze plaque for Mr. Banton, who was a prominent figure in both Amherst and Nelson Counties, as well as a frequent biker along the VBRRT. The group has requested to install the plaque on a signpost on the Amherst side of the Tye River Bridge. Nelson County has agreed to both install and maintain the sign, and has asked Amherst County to maintain the grounds around the sign itself.

By motion of Chairman Pugh and with the following vote the Board approved the installation of the plaque honoring George Banton on the Virginia Blue Ridge Railway Trail.

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

NAY: None

ABSENT: None

C. Amherst County Public Schools - Health Insurance Reserve

Dr. Wells, Superintendent of Schools spoke to the Board. He stated that the Board is being asked to approve the creation of a new Health Insurance Reserve account for the Schools which allows all Schools' FY2021-22 year-end funds to be placed into the newly created reserve and be granted the authority to allocate future year-end funds between its capital fund and the new reserve account. Chairman Pugh asked how this affects the CIP going forward. Dr. Wells stated they are meeting in September to revamp their CIP and that these funds are a one-time allocation.

By motion of Supervisor Wade and with the following vote the Board authorized the creation of a health insurance reserve for the Schools, that all of their FY 2021-2022 fiscal year-end funds be allocated to that reserve, and henceforth, the Schools be granted the authority to allocate year-end funds between its Capital Improvement Projects fund and its Health Insurance Reserve.

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

D. USDA Secure Rural Schools and Community Self Determination Act (SRS) Payments

Stacey McBride, Finance Director, stated Congress enacted the SRS Act in 2000 and it has been ratified annually every year, except in 2016, since then. FY 2022 was ratified with the Infrastructure Investment and Jobs Act of the 2022 Congressional session. The amount Amherst is scheduled to receive is approximately \$74,835.

The choices are :

- Title I - Public schools and roads (100%)
- Title II - Special projects on federal land (>15% and <20%)
- Title III - County funds for specific purposes (>15% and <20% combined with Title II).

The county is considered a minor recipient and has historically used these funds for Title I. The schools use the funds for Title I positions not funded by the state. If no election is made the funds would be reduced and go to the national forests for projects in the area. Staff proposes the County elect the Title I allocation for local schools use.

By motion of Chairman Pugh and with the following vote, the Board elected Title I for the FY22 SRS payments to be received in FY23.

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

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

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

Vice-Chair Martin reported that numbers are up for night fishing as well as Fall soccer. Coolwell Recreation Center is being used and is pretty much booked up. Parks and Recreation will be hosting the Halloween spooktacular.

B. Agriculture Committee - Claudia Tucker

Supervisor Tucker reported they have nominated to appoint Tyler Price to the Agriculture Committee Board. The fair is moving along. There was a question at the last meeting about whether the Agriculture Committee can enter into a multi-year agreement with the fair vendor. The County can get a discount for agreeing to a multi-year contract. Mr. Rodgers states the board needs to authorize the Agriculture Committee to make that decision as this decision would be committing future boards.

The Board gave County Administrator Rodgers permission to sign these contracts.

C. School Board - Claudia Tucker

Supervisor Tucker had nothing to report.

**D. Lynchburg Regional Business Alliance, Government Relations Committee,
August 2, 2022**

For information only.

XI. Citizen Comment

Mr. Tim Ware, addressed the Board. He stated that he appreciates all the discussion had tonight about the trails at Mill Creek. He was a little disappointed in some things. People riding the trails take care of the trails. People hiking the trails take care of the trails. He did not like the hikers and trail riders being perceived as criminals.

Mrs. Pat Malchow addressed the Board. She supports the bike club and agrees that Amherst County needs recreational opportunities but she is not for condemning people's property. The way the land is around the lake is not conducive. If there are 100 acres that could be developed, she would be totally for that.

The Citizen Comment section was closed.

XII. Matters from Members of the Board of Supervisors

Chairman Pugh received a citizen call that had heard of a cooling center presented by the NAACP. He would like to get some more information about that.

Vice-Chair Martin was approached by Monelison Fire Dept. They talked a little bit about their new engine. He would like them to work with the ESC and Mr. Proffitt to see if there is any way of locking in the price of that new engine sooner rather than later. He said the issues Mr. Hall is having with horses getting on his property is still continuing. He would like Mr. Rodgers to work with Sheriff Viar to make sure we are staying vigilant about that issue.

Supervisor Ayers had no matter to discuss.

Supervisor Tucker had no matter to discuss.

Supervisor Wade had no matter to discuss.

XIII. 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.

Chairman Pugh moved that the Amherst County Board of Supervisors convene in 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.

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

NAY: None

ABSENT: None

Chairman Pugh moved 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

- 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.

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

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

NAY: None

ABSENT: None

XIV. 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

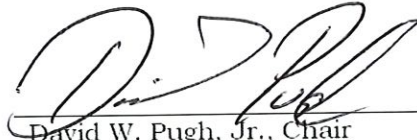
XV. Adjournment

By motion of Chairman Pugh and with the following vote, the Board adjourned at 9:38 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 "David 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 "Dean C. Rodgers", written over a horizontal line.

Dean C. Rodgers, Clerk