



BOOK 38
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**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

November 15, 2022
Administration Building - 153 Washington
Street - Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 7:00 PM

County Administrator
Jeremy Bryant, Interim

County Attorney
Mark Popovich

I. Call to Order

At a regular meeting of the Amherst County Board of Supervisors held on November 15, 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:

Jeremy S. Bryant, Interim County Administrator
David R. Proffitt, Deputy County Administrator
Mark Popovich, County Attorney
Kristen Freeman, 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 Supervisor Ayers and with the following vote, the Board approved the agenda.

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

NAY: None

ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Wade led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Call to Order- ACSA

Vice-Chair Martin called the ACSA Board to order.

VI. Public Hearing

A. Ordinance 2022-12, ACSA Availability Fees Assessment

Bob Hopkins, Service Authority Director, presented Ordinance 2022-12 to the Board. Amherst County Service Authority is planning a change to its method of assessing water and wastewater availability fees. The current method is to base the fees on the estimated average daily water use planned by the applicant. The change will replace that with assessing the fees by water meter size; because ACSA does not meter wastewater, but bills for wastewater service using the water bills, this change will also apply to wastewater.

The Public Hearing was opened.

Proponents: Calvin Kennon addressed the Board and stated he is very much in favor of this ordinance. He stated this would be a big win for Economic Development.

Opponents: None

The Public Hearing was closed.

B. ACSA Recommendation and Adjournment

By motion of ACSA Board member Woods and with the following vote, the ACSA Board recommended the adoption of Ordinance 2022-12.

AYE: Mr. Woods, Mr. Perrow and Mr. Martin

NAY: None

ABSENT: None

By motion of Supervisor Ayers and with the following vote, the Board of Supervisors adopted Ordinance 2022-12 as approved and requested by the ACSA Board.

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

NAY: None

ABSENT: None

C. Special Exception 2022-489 Inner Estrada

Tyler Creasy, Assistant Zoning Administrator/Planner, presented Special Exception 2022-489 to the Board. The applicant, Inner Estrada has proposed a granite business with outside storage off of N. Amherst Hwy. Per section 707.03.1 of the Amherst County Zoning and Subdivision Ordinance, the bulk storage and sale of sand, gravel, or rock is a special exception permit. This public hearing is necessary for the proposed use to be approved.

The Public Hearing was opened.

Proponents: Calvin Kennon addressed the Board and stated he believes this will be a very valuable business. He stated he would like to see the Board reduce the amount of required landscaping so that the granite slabs

could be showed off and seen by those driving by.

Inner Estrada addressed the Board and stated he is the owner of the granite business. He told the Board that they will be sure to keep everything clean and looking nice.

Bill Massencup addressed the Board and stated he is the property owner. He said he would make sure everything stays neat and tidy and he does understand concerns about the aesthetics of having the stone visible. He is concerned about the stipulation of having to plant more trees and how they can affect the stone.

Opponents: None

The Public Hearing was closed.

By motion of Chairman Pugh and with the following vote, the Board approved Special Exception 2022-489 with the conditions of planting 3 trees and 15 shrubs.

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

NAY: Mr. Martin

ABSENT: None

D. Special Exception 2022-511 Partridge Creek, Solar LLC

Tyler Creasy, Assistant Zoning Administrator/Planner, presented Special Exception 2022-511 to the Board. The applicant, Sun Tribe Development LLC, has proposed a 10-megawatt utility-scale solar generation facility on a parcel zoned R-1, Limited Residential. Per section 703.03.16, utility-scale solar generation facilities are a special exception use in the R-1 district. Therefore, this public hearing is necessary for approval of the proposed use.

Daniel Band with Sun Tribe Development gave a slideshow presentation to the Board.

The Public Hearing was opened.

Proponents: Skyler Zunk with Energy Right, addressed the Board. He stated Energy Right is a non-profit organization and they try to have a presence anywhere where clean energy conversations are taking place. He said they are appreciative of the Board's consideration of this project and if Energy Right can be of any assistance to the county to please reach out to them.

Ginger Burg addressed the Board and said she would like to ask the Board for their consideration of the solar farm.

Timothy Forrester addressed the Board and stated he would much rather see a solar farm on this property than a housing community. He stated he has a trucking company and has delivered to solar farms before and they are out of sight out of mind.

Stuart Bennett addressed the Board stating he was very excited about this project when he first heard about it. He said this is the future and he is 100 percent behind it.

William E Mays Jr sent a letter of support as he was unable to attend the meeting. (See Attachment 1)

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Ayers and with the following vote, the Board approved Special Exception 2022-511 with the Planning Commission's recommended conditions.

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

NAY: None

ABSENT: None

VII. Consent Agenda

By motion of Vice-Chair Martin and with the following vote, the Board approved the Consent Agenda for November 15, 2022 with Mr. Pugh and Mr. Wade abstaining from the approval of the minutes for November 1, 2022 due to being absent at that meeting.

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

NAY: None

ABSENT: None

A. Minutes - November 1, 2022

It was moved that the Board adopted the minutes of November 1, 2022.

B. Appropriation of Revenue - Amherst County Public Schools

It was moved that the Board appropriated \$881,295.37 of additional funds to the 2022-23 School Operational Budget.

C. Budget Transfer of Expenditures - Amherst County Public Schools

It was moved that the Board approved the expenditure budget transfer of \$252,572.00 within the 2022-2023 School Operational Budget.

VIII. Special Presentation

A. Commemorative Resolution 2022-7-CR - Dean Rodgers

By motion of Chairman Pugh and with the following vote, the Board adopted Commemorative Resolution 2022-7-CR as presented.

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

NAY: None

ABSENT: None

IX. New Business

A. Appointment of Public Safety Director

By motion of Supervisor Ayers and with the following vote, the Board appointed Bradley Beam as Director of Public Safety effective as of the date of hire on October 24, 2022.

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

NAY: None

ABSENT: None

B. Public Safety 4th Captains Position/Shift Change Proposal

By motion of Supervisor Tucker and with the following vote, the Board allocated the reoccurring funds in an amount not to exceed \$90,000 for salary and benefits for a 4th Captain's position for FY23, and permit staff to hire for that position immediately with funding available in the department and authorized Mr. Beam to apply for the SAFER Grant when it becomes available.

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

NAY: None

ABSENT: None

X. County Administrator's Report

Interim County Administrator Bryant had nothing to report.

XI. County Attorney's Report

A. Opioid Settlement Funds Update

County Attorney Popovich presented the Board with a PowerPoint presentation giving them an update on the Opioid Settlement Funds.

XII. Liaison and Committee Reports

A. Agriculture Committee - Claudia Tucker

Supervisor Tucker stated that in regards to the ANAC Facility the ball is still in Nelson's court.

B. School Board - Claudia Tucker

Supervisor Tucker had nothing to report.

C. Blue Ridge Regional Jail Board of Directors Meeting, November 3, 2022.

For the Board's information only.

XIII. Departmental Reports

A. Treasurer's Report for Quarter Ending September 30, 2022

For the Board's information only.

B. Agriculture Committee-Annual Report

Agriculture Committee Chair, Jeff Floyd, gave an oral report to the Board.

XIV. Citizen Comment

Samuel Bryant addressed the Board and read from an article regarding solar farms stating there has been a steep rise in the number of solar farm fires and that the underreporting of such incidents hinders the accurate assessment of solar farm risks. Mr. Bryant said he would like to ask the people that do the solar farms to provide training to the volunteer firefighters.

XV. Matters from Members of the Board of Supervisors

Chair Pugh had no matter to discuss.

Vice-Chair Martin had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Supervisor Tucker had no matter to discuss.

Supervisor Wade had no matter to discuss.

XVI. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 8:56 pm.

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

NAY: None

ABSENT: None



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



Jeremy Bryant Interim County Administrator

William E Mays, Jr
219 Nottaway Drive
Madison Heights, VA 24572
November 15, 2022Date

Amherst County Board of Supervisors
Amherst, Virginia

To Whom It May Concern:

It is with regret that I cannot attend this evenings Board of Supervisors meeting, as I have a prior commitment with another community organization.

I am writing you to share my support of the Solar Project to be located on Izaak Walton Road; Madison Heights. I attended the October 20, 2022 Planning Meeting and shared my support for this project. While I grew up in Rockbridge County, I have always had a love and adoration for Amherst County and made this county my home 10 years ago. Both my primary residence and my 'vacation' home (located on the James River) are in Amherst County. I also serve as a board member for the Izaak Walton League of Lynchburg. I feel that this Solar Project would be a phenomenal addition and contribution to our County, both for its energy and its revenue. Please accept this letter as another member within the community that supports this incredible opportunity for growth and energy. It is with great anticipation that I hope the Board of Supervisors feels the same.

Sincerely,

William E Mays, Jr
Amherst County Citizen
Mobile: (540) 460-3345