

**Agenda Item
VI. A.**



Meeting Date: August 15, 2017

Consent Agenda: Minutes - July 18, 2017

Board of Supervisors

Claudia D. Tucker, Chair
District 2
David W. Pugh, Jr., Vice-Chair
District 4
L. J. Ayers III, Supervisor
District 3
Kenneth M. Campbell, Supervisor
District 1
John A. Marks, Jr., Supervisor
District 5



County Administrator
Dean C. Rodgers

Interim County Attorney
Michael W. S. Lockaby

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

AGENDA
July 18, 2017
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
7:00 p.m.

I. Call to Order

II. Invocation and Pledge of Allegiance

III. Approval of Agenda

IV. Citizen Comment

V. Public Hearing

A. Special Exception 2017-06, Request by Sweet Briar College for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow two signs at the corner of Route 29 Business and Sweet Briar Drive. The parcel is located at 134 Chapel Road and is further identified as tax map numbers 110-A-15 and 94-A-27.

B. Special Exception 2017-07, request by Kevin Mays for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow automotive repair, automotive sales, towing and recovery as well as storage of vehicles. The parcel is located at 3596 South Amherst Highway and is further identified as tax map number 147C-10-13-22.

C. Construction Ready Application for Old Town Madison Heights Main Street Infrastructure Upgrades for submission to the Virginia Department of Housing & Community Development (DHCD) to upgrade the old sewer line along Main Street.

VI. Consent Agenda

A. Minutes - June 6, 2017

B. Finance - FY17 and FY18 Appropriation of Revenue: 1) Sheriff's Office 2) Animal Shelter 3) Health Dept. 4) Repairs Auto - Insurance Recovery; and FY18 Appropriation of Committed Funds - Tourism

C. County Administration - Designation of Primary FOIA Officer

VII. New Business

A. Virginia Department of Transportation - Safety Project Route 151 Amherst County

B. Planning/Zoning - Short-Term Tourist Rental of a Dwelling

C. Purchasing - Bid Selection for Learning Lane Project

VIII. County Administrator's Report

- A. Projects Status Report
- B. Planning Workshop Agenda
- C. Landfill Report

IX. Departmental Reports

- A. Building Safety & Inspections - June 2017 Report
- B. Treasurer - May 2017 Report

X. Citizen Comment

XI. Matters from Members of the Board of Supervisors

XII. Closed Sessions

- A. Pursuant to § 2.2-3711(A)(7) of the Code of Virginia, to consult with the Interim County Attorney regarding the litigation involving the Phelps Road School building.
- B. Pursuant to § 2.2-3711(A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

XIII. Adjournment

MINUTES

At a Regular Meeting of the Board of Supervisors of Amherst County, Virginia and held at the Amherst County Administration building thereof on Tuesday, the 18th day of July, 2017, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT: David W. Pugh, Jr., Vice-Chair
Kenneth M. Campbell, Supervisor
L. J. Ayers, III, Supervisor
John A. Marks, Jr., Supervisor

ABSENT: Claudia D. Tucker, Chair

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; Interim County Attorney Michael W. S. Lockaby; and Executive Administrative Assistant Regina M. Rice

OTHERS PRESENT: Director Planning/Zoning Jeremy S. Bryant
VDOT Appomattox Residency Administrator Donald L. Austin, Sr.

I. Call to Order

Vice-Chair Pugh called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

Supervisor Marks led the Invocation and Pledge of Allegiance.

III. Approval of Agenda

By motion of Supervisor Marks and with the following vote, the Board approved the Agenda for July 18, 2017.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

IV. Citizen Comment

Mr. Bill Peters of Amherst, Virginia, addressed the Board with two issues: he asked that a program manager be assigned to handle all FOIA issues and an annual orientation session held for all County employees; he also commented on the Rules of Procedures for board meetings that allows only three minutes for citizen comments. Mr. Peters suggested that the Board verbally inform citizens to limit their comments and not limit their comments to only three minutes.

Mr. Peters said the Board should relate their actions at all workshops to the master plan for governing the community, the Comprehensive Plan, including their objectives and strategies.

Mr. Bob Baxter, President of Winton Board of Directors, provided the Board with an update on Winton. He reported Winton now has 84 new members this year and has hired a chef with a new menu at the restaurant on Friday and Saturday evenings. He commented on the \$100,000 appropriation and advised that the bids are in for the roof and painting on the Manor House.

Vice-Chair Pugh remarked that this was excellent news and he wished for Winton's success in the community.

Ms. Cindy Lemmon of Madison Heights, Virginia, addressed the Board and expressed her support in striking item (9) in Section 916 of the Amherst County Zoning Ordinance regarding short-term tourist rental that restricts people in platted subdivisions from doing short term rentals.

V. Public Hearing

A. Special Exception 2017-06, Request by Sweet Briar College for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to allow two signs at the corner of Route 29 Business and Sweet Briar Drive. The parcel is located at 134 Chapel Road and is further identified as tax map numbers 110-A-15 and 94-A-27.

Planning/Zoning Director Jeremy Bryant addressed the Board regarding Sweet Briar College's request for placement of two signs at the corner of Route 29 Business and Sweet Briar Drive.

Mr. Bryant advised the Planning Commission recommended approval with the condition that the signs shall be located in a manner that does not impact sight distance for traffic.

Vice-Chair Pugh opened the Public Hearing for comment.

Proponents: Mr. Steve Bailey, Director of Sweet Briar College's Physical Plant spoke in favor of the two signs at the entrance that would increase visibility for the college.

Ms. Jen Phelps Staton of Madison Heights, Virginia, spoke in favor of the request.

Opponents: None

Vice-Chair Pugh closed the Public Hearing.

By motion of Supervisor Marks and with the following vote, the Board approved Special Exception 2017-06 with the condition recommended by the Planning Commission.

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AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

B. Special Exception 2017-07, request by Kevin Mays for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow automotive repair, automotive sales, towing and recovery as well as storage of vehicles. The parcel is located at 3596 South Amherst Highway and is further identified as tax map number 147C-10-13-22.

Planning/Zoning Director Jeremy Bryant presented his report to the Board and advised the request was to allow automotive repairs, sales, towing and storage of vehicles.

Mr. Bryant advised there are two buildings on this parcel; one will be used by Mr. Mays and the other will be used for a produce stand, which is also a permitted use there.

Mr. Bryant stated that the applicant is working with VDOT regarding the existing entrance and with the Health Department concerning the existing drainfield.

Mr. Bryant further stated that there was a concern for vehicles heading south turning into that entrance, specifically a tow truck, without impacting traffic on Route 29.

Vice-Chair Pugh opened the Public Hearing.

Proponents: None

Opponents: None

Vice-Chair Pugh closed the Public Hearing.

By motion of Supervisor Campbell and with the following vote, the Board approved Special Exception 2017-07 with the conditions recommended by the Planning Commission.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

C. Construction Ready Application for Old Town Madison Heights Main Street Infrastructure Upgrades for submission to the Virginia Department of Housing & Community Development (DHCD) to upgrade the old sewer line along Main Street.

Planning/Zoning Director Jeremy Bryant reported to the Board and advised this is an effort by Amherst County to work with the Virginia Department of Housing & Community Development for sewer upgrades along Main Street in Old Town Madison Heights.

Mr. Bryant said the Virginia Department of Housing & Community Development requires a second public hearing, which will be held in August 2017.

Vice-Chair Pugh opened the Public Hearing.

Proponents: None

Opponents: None

Vice-Chair Pugh closed the Public Hearing.

By motion of Supervisor Ayers and with the following vote, the Board directed the County Attorney to prepare a resolution that will be presented to the Board for consideration in support of the grant application.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

VI. Consent Agenda

A. Minutes - June 6, 2017

B. Finance - FY17 and FY18 Appropriation of Revenue: 1) Sheriff's Office 2) Animal Shelter 3) Health Dept. 4) Repairs Auto - Insurance Recovery; and FY18 Appropriation of Committed Funds - Tourism

C. County Administration - Designation of Primary FOIA Officer

County Administrator Dean Rodgers advised that the County has a FOIA officer appointed; however, with the restructuring of another office, he said it would be prudent to have a primary and secondary officer to handle FOIA requests, especially if one employee was out.

Mr. Rodgers asked the Board to designate Rachel Carton as the County's primary FOIA Officer and Layney Sandifer as the secondary FOIA officer.

Mr. Rodgers advised the Board that a question arose of having one person coordinate all FOIA requests for the county. The Constitutional officers have indicated they want to respond to their own FOIA requests as forwarded to them.

Mr. Rodgers said that FOIA Officers are required to have annual training but not staff members.

Vice-Chair Pugh asked if this guidance could be written into Board procedure.

Mr. Rodgers stated we currently have a draft recordkeeping regulation in the works that will incorporate state requirements for FOIA and recordkeeping. He advised this will be presented to the Board at a future meeting.

By motion of Supervisor Marks and with the following vote, the Board approved the Consent Agenda for July 18, 2017.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

VII. New Business

A. Virginia Department of Transportation - Safety Project Route 151 Amherst County

VDOT Appomattox Residency Administrator Donald L. Austin, Sr., addressed the Board with information regarding an upcoming project by VDOT to install "mumble" strips on a section of Route 151 in Amherst County. This will address the issue of a number of vehicle departure crashes (vehicles leaving and returning to the highway) in this area.

Mr. Austin advised this location will be the first in the state for installation of the "mumble" strips, which will address the safety issue on this part of the road.

Mr. Austin also reported that dynamic flashing lights will be installed at the intersection of Routes 29 and 151, which will actually sense vehicles turning there and should be completed by early 2018. He said that in August there will be a group from Public Safety, the Sheriff's Office, and Virginia State Police to discuss this intersection.

Mr. Austin also reported that VDOT has started on the design for reconstruction on Woody's Lake Road.

B. Planning/Zoning - Short-Term Tourist Rental of a Dwelling

Director of Planning/Zoning, Jeremy Bryant, presented for the Board's consideration an amendment to the regulations governing short-term tourist rental of a dwelling.

Mr. Bryant explained this amendment is an attempt to make some changes to Section 916 (9) that currently states:

"There shall be no short-term tourist rental of any dwelling upon property located within a platted subdivision, unless a recorded declaration recorded in the land records of the county expressly permits such a use, or in the absence of a recorded declaration, the owners of all lots, tracts, and parcels in the subdivision unanimously agree to such a use."

Mr. Bryant advised that the County does regulate all short term tourist rentals through a special exception process.

Mr. Bryant said the Planning Commission recommend removing item (9) in Section 916, which is a prohibition in platted subdivision. This would still allow the County to maintain control through a special exception request.

Vice-Chair Pugh remarked that homeowners in a subdivision would not want transient folks coming in and out; however, a special exception would allow folks in a subdivision and the community to speak out regarding each special exception.

By motion of Supervisor Campbell and with the following vote, the Board directed the County Attorney to prepare the draft text into an ordinance.

AYE:	Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY:	None
ABSENT:	Mrs. Tucker

C. Purchasing - Bid Selection for Learning Lane Project

Deputy County Administrator David Proffitt advised two bids were submitted to his office; one bid from Counts & Dobyns for \$360,734 and one bid from Virginia Siteworks (\$191,000).

Mr. Proffitt advised the low bidder was Virginia Siteworks.

Mr. Proffitt requested that the Board authorize the County Administrator to execute a construction contract agreement with Virginia Siteworks.

Vice-Chair Pugh asked Mr. Proffitt if the issue with the culvert running under the road would be corrected.

Mr. Proffitt said the project included repair of that problem.

By motion of Vice-Chair Pugh and with the following action, the Board authorized the County Administrator to execute a Construction Contract Agreement with Virginia Siteworks for improvements to Learning Lane, based upon their bid as submitted and contingent upon a favorable review by the County Attorney.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

VIII. County Administrator's Report

A. Projects Status Report

County Administrator Dean Rodgers provided the Board an update on the following:

- The date for the grand opening of the Train Depot will be held on August 26, 2017 from 11:00 a.m. to 1:00 p.m.
- Broadband - waiting on Sweet Briar College regarding sharing the radio frequency and waiting to hear from their new legal counsel.
- Riveredge Park Trail – waiting on formal notice of our grant and have begun preparing the grant application for the \$600,000 construction project.
- Phelps Road School - the Board will hear about this matter in closed session tonight.
- Pleasant View Elementary School - a Town Hall meeting is scheduled with the community for Tuesday, August 22, 2017 at 7:00 p.m. at the elementary school.

B. Planning Workshop Agenda

County Administrator Dean Rodgers reminded the Board of the planning workshop from 9:00 a.m. to 3:00 p.m. on August 7, 2017 at the Monroe Community Center.

Mr. Rodgers mentioned several topics for discussion including waste disposal service in the County; the Board's Rules of Procedures; review of the Board's existing goals; review of our "business friendly" atmosphere; and budget priorities.

Mr. Rodgers said that Mr. Bill Peters asked about a review of Comprehensive Plan, which review is currently on-going this summer with Planning & Zoning who is collecting public input.

Mr. Rodgers asked the Board for approval of the planning workshop agenda and any other topics to be included. He advised the Board that Ms. Stephanie Davis from Virginia Tech's Government Certificate Program will be the facilitator.

Vice-Chair Pugh stated he was satisfied with those topics.

C. Landfill Report

Mr. Rodgers advised that when the County took over the landfill July 2016, within two months a large rain event created an incident of ponding in front of the leachate pond. This kept the trucks from removing the water, which caused a drainline to fill with sediment and discharge rainwater off of the site.

Mr. Rodgers said Public Works was unaware of having to report this incident to the DEQ which was the subject of the first Notice of Violation (NOV). The second NOV was the lack of daily cover, which was the result of a manpower shortage.

Mr. Rodgers informed the Board that the Regulators appeared satisfied with the explanations, however, they will need to take some form of enforcement action and the County is waiting to hear what that action will be.

IX. Departmental Reports

A. Building Safety & Inspections - June 2017 Report

For Information Only.

B. Treasurer - May 2017 Report

For Information Only.

X. Citizen Comment

There was no public comment.

XI. Matters from Members of the Board of Supervisors

Supervisor Marks had no matter to discuss.

Supervisor Campbell had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

XII. Closed Sessions

A. Pursuant to § 2.2-3711(A)(7) of the Code of Virginia, to consult with the Interim County Attorney regarding the litigation involving the Phelps Road School building.

B. Pursuant to § 2.2-3711(A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to § 2.2-3711(A)(7) of the Code of Virginia, to consult with the Interim County Attorney regarding the litigation involving the Phelps Road School building; and pursuant to § 2.2-3711(A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

Supervisor Campbell motioned to come out of closed session which was approved with the following vote:

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

CERTIFICATION OF CLOSED MEETING

Supervisor Campbell moved that the Amherst County Service Authority Board 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.

Mrs. Tucker ABSENT
Mr. Pugh AYE
Mr. Ayers AYE
Mr. Campbell AYE
Mr. Marks AYE

XIII. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 9:30 p.m.

AYE: Mr. Pugh, Mr. Ayers, Mr. Campbell and Mr. Marks
NAY: None
ABSENT: Mrs. Tucker

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

Dean C. Rodgers, Clerk