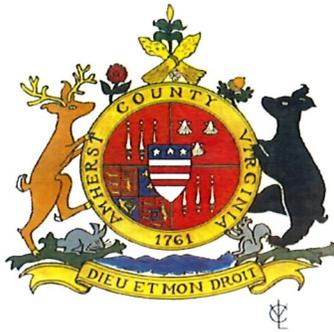


Board of Supervisors

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



County Administrator
Dean C. Rodgers

County Attorney
Michael W. S. Lockaby

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

AGENDA

May 15, 2018

Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
Meeting Convened -7:00 p.m.

- I. Call to Order**
- II. Approval of Agenda**
- III. Invocation and Pledge of Allegiance**
- IV. Citizen Comment**
- V. Public Hearing**
 - A. 2018-065 Shekinah Farm LLC
 - B. 2018-94 Shenandoah Mobile LLC
- VI. Consent Agenda**
 - A. Minutes – April 17, 2018
 - B. Appropriation Request – Commonwealth’s Attorney
 - C. Appropriation Request – Voter Registrar
 - D. Resolution 2018-0010-R, naming of the James Bernard Noel Bridge
- VII. New Business**
 - A. Appropriation Request – Voter Registrar
- VIII. County Administrator’s Report**
 - A. Projects Status Report
- IX. County Attorney’s Report**
- X. Liaison and Committee Reports**

- A. Local Government Council Meeting, April 26, 2018
- B. Municipal Planning Organization Meeting, April 26, 2018
- C. Regional Jail Board of Directors Meeting, May 3, 2018

- XI. Citizen Comment**
- XII. Matters from Members of Board of Supervisors**
- XIII. Adjournment**

MINUTES

At a Regular Meeting of the Amherst County Board of Supervisors and held at the Amherst County Administration building, Amherst, Virginia, thereof on Tuesday, the 15th day of May, 2018, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT: Claudia D. Tucker, Chair
L. J. Ayers, III, Vice-Chair
David W. Pugh, Jr., Supervisor
Kenneth M. Campbell, Supervisor

ABSENT: Jennifer R. Moore, Supervisor

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

OTHERS PRESENT: Finance Director Stacey Wilkes
Planning/Zoning Director Jeremy Bryant

I. Call to Order

Chair Tucker called the meeting to order at 7:00 p.m.

II. Approval of Agenda

By motion of Supervisor Campbell and with the following vote, the Board approved the Agenda for May 15, 2018.

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT Ms. Moore
ABSTAIN: None

III. Invocation and Pledge of Allegiance

Supervisor Pugh led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. John Marks, Jr., of Madison Heights Virginia addressed the Board regarding Phelps Road School property and the contract between the county and Waukeshaw Development.

Chair Tucker stated that Mr. Marks's remarks will be entered into the record and his FOIA request is so noted. **(See Attachment 1)**

Mr. and Mrs. Jay Turner of Monroe, Virginia, addressed the Board regarding the naming of a bridge on Route 60 near Pedlar River Road, as the James Bernard Noel bridge. Mrs. Turner said that Mr. Noel grew up around that area, however, lost his life on September 4, 1950 while serving in the United States Army. She asked the Board to consider having the bridge over Pedlar River dedicated in honor of his name to honor a fallen son of Amherst County.

Chair Tucker advised a resolution regarding her request has been placed on the Board's agenda. Chair Tucker thanked the Turners for taking the time to provide the Board with the family's history.

The public comment session was closed.

v. Public Hearing

A. 2018-065 Shekinah Farm LLC

Planning/Zoning Director Jeremy Bryant presented his report regarding Special Exception 2018-065 to allow a private aviation facility on 1551 Wares Gap Road in Amherst County.

Mr. Bryant advised the Planning Commission recommended approval with four conditions noted:

1. Use: The use of this private aviation facility is for the public health, safety and general welfare of local residents. The facility is not to be used for commercial purposes.
2. Buildings: Any future buildings that are built or associated with the private aviation facility shall be considered only through a special exception approval.
3. Nighttime Use: The use of this private aviation facility shall only be used at night if it is used for the public health, safety and general welfare of local residents.
4. Regulations: Applicant shall meet all other necessary federal, state and local regulations, as applicable.

The Public Hearing was opened.

Proponents: Mr. Tom Faughn of Wares Gap Road spoke on behalf of Shekinah Farms LLC and asked for the Board to approve the aviation facility.

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Ayers and with the following vote, the Board approved Special Exception 2018-065 with the recommended conditions by the Planning Commission.

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT: Ms. Moore
ABSTAIN: None

B. 2018-94 Shenandoah Mobile LLC

Planning/Zoning Director Jeremy Bryant presented his report regarding a special exception request by Shenandoah Mobile, LLC to allow construction of a 199 foot monopole tower on a

parcel located on the south side of Richmond Highway (Route 60). The property is identified as Tax Map Number 112-A-44.

Mr. Bryant advised the Planning Commission recommended approval of the special exception at its meeting on April 19, 2018 with the following conditions:

1. Governmental Access: Prior to the issuance of a zoning permit, the Director of Public Safety shall determine if the County needs space to co-locate in accordance with Section 919.09.
2. Tower Height: Proposed tower shall not exceed 199' in total height.

Ms. Shana Sutton, a representative of Shenandoah Mobile, addressed the Board and presented her report regarding the proposed 199' monopole telecommunication tower. She explained that Shentel, a Sprint affiliate, acquired nTelos Wireless in 2016 in order to extend coverage and provide voice and data coverage in the area.

Ms. Sutton advised that on April 11, 2018, Shentel conducted several public balloon tests and provided photographs showing the tower's visibility to neighboring properties.

Supervisor Campbell asked if Shentel planned to allow co-location on the tower. Ms. Sutton stated that Verizon has expressed interest in co-location and believed other carriers would be interested as well.

The Public Hearing was opened.

Mr. Bill Peters of Amherst, Virginia, addressed the Board and said it is a problem that certain mobile telephone signals cannot be picked up by any carrier. He said the County needs to have coverage for all cell phones, and asked how many mobile companies would have access to this tower site.

Chair Tucker reiterated Ms. Sutton's statement that there would be a maximum of six companies that could join on that tower.

Mr. Peters requested that the tower accept any signal for all cell phones.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Pugh and with the following vote, the Board approved special exception 2018-94 with the conditions recommended by the Planning Commission.

AYE:	Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY:	None
ABSENT	Ms. Moore
ABSTAIN:	None

VI. Consent Agenda

A. Minutes – April 17, 2018

B. Appropriation Request – Commonwealth's Attorney

C. Appropriation Request – Voter Registrar

D. Resolution 2018-0010-R, naming of the James Bernard Noel Bridge

By motion of Supervisor Campbell and with the following vote, the Board approved the Consent Agenda for May 15, 2018.

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT Ms. Moore
ABSTAIN: None

VII. New Business

A. Appropriation Request – Voter Registrar

County Administrator Rodgers advised the Board that the Registrar has requested additional funding to hire a part-time assistant during the month of June.

Finance Director Stacey Wilkes addressed the Board and explained that the Registrar has a dual primary in June, and does not have sufficient funds to pay for those additional hours.

Chair Tucker asked if the appropriation of \$2,079.70 would be sufficient for June.

Ms. Wilkes said she could not speak for the Registrar, but suggested she could ask the Registrar to come back in June to address this with the Board.

Supervisor Pugh commented that he did not like the process of the Registrar continuing to come to the Board late in the budget process, and now is asking for an additional appropriation. He understood the Registrar's office is a core county function, however has "heartburn" having to deal with this over and over again. He said he would support the appropriation as the County has an obligation.

Supervisor Campbell asked if the money would be in this year's budget.

Ms. Wilkes advised the appropriation will have to come out the unobligated general fund.

Chair Tucker asked Mr. Rodgers to address this with the Registrar to make sure that she understands the process. Chair Tucker agreed with Supervisor Pugh that everyone has to go by the process and is not fair for others that go outside of the process.

By motion of Supervisor Pugh and with the following vote, the Board approved the appropriation of \$2,079.70 to the Registrar's office as requested.

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT Ms. Moore
ABSTAIN: None

VIII. County Administrator's Report

A. Projects Status Report

County Administrator Rodgers provided the Board with the following additional updates:

- Tornado response – a long term recovery group has been formed and the first executive group meeting will be on May 16, 2018 at 6:00 p.m. at River Church. This meeting will not be a public meeting.
- 60 West Convenience Center – proceeding as scheduled.
- The Galts Mill open container site is failing with trash spilling out and now needs to be addressed. As per the Board’s last direction, the site would be closed when the new convenience center is completed. Due to the existing container failure, he recommended the site should be closed immediately. He has spoken to County Waste to develop a schedule as well as notifying the public of the June 28 closure. Soil or stone will be put in place, and the site leveled and fenced with signage that it is closed. A pest control company has been contacted to address the rat problem; the public will be given a four to five week notice that the site will be closing.

Supervisor Campbell believed this would be the best approach to the trash problem.

Chair Tucker advised staff to proceed.

- Central Virginia Training Center – General Assembly is meeting again and the County will soon find out how much money will be appropriated for CVTC.
- County Broadband Contract – County Attorney is working on the contract to present to SCS.

County Attorney Lockaby said he is working on an agreement with Region 2000 to utilize its radio tower space; he is working on a bond financing issue with Region 2000’s lawyer, and working on reaching an agreement with SCS regarding operational details.

Mr. Lockaby mentioned that the General Assembly passed new legislation effective July 1, 2018 that changes how counties will process cell phone and wireless communication towers. Amherst County will need to re-write its current wireless ordinance and he will make a presentation to the Board later.

IX. County Attorney’s Report

X. Liaison and Committee Reports

- A. Local Government Council Meeting, April 26, 2018
- B. Municipal Planning Organization Meeting, April 26, 2018
- C. Regional Jail Board of Directors Meeting, May 3, 2018

For the Board’s information.

XI. Citizen Comment

Mr. John Marks, Jr., Madison Heights, Virginia, addressed the Board and requested that the County contact VDOT concerning the high grass that is restricting sight to on-coming traffic near the ramp on Route 210 East entering Rt. 29 Expressway North.

XII. Matters from Members of Board of Supervisors

Supervisor Campbell recognized the Boy Scout Troop from Lynchburg in attendance tonight.

Supervisor Pugh mentioned he had received calls concerning grass problems on Winesap Road near Knights Inn. He said it appeared that someone cleaned that up area and requested the County Administrator thank them.

Vice-Chair Ayers had no matter to discuss.

Chair Tucker mentioned she had received calls from several constituents regarding the extremely compacted trash in the trash cans at Thrashers Creek.

Chair Tucker said she and Mr. Rodgers attended the Chamber's Business Appreciation dinner. Chair Tucker thanked the Chamber for working on changing the image of Amherst County.

XIII. Closed Session

A. A closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, for the purpose of discussion of the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County.

B. A closed session, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia, 1950, as amended, for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion

Supervisor Campbell 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, for the purpose of discussion of the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the County; and a closed session, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia, 1950, as amended, for the purpose of discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT Ms. Moore
ABSTAIN: None

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

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT Ms. Moore
ABSTAIN: None

CERTIFICATION OF CLOSED MEETING

Supervisor Moore moved 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.

Mrs. Tucker AYE
Mr. Ayers AYE
Mr. Pugh AYE
Mr. Campbell AYE
Ms. Moore ABSENT

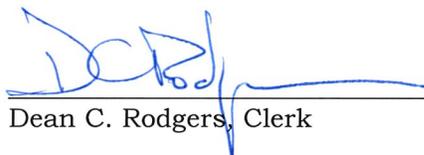
xiv. Adjournment

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

AYE: Mrs. Tucker, Mr. Ayers, Mr. Pugh and Mr. Campbell
NAY: None
ABSENT: Ms. Moore
ABSTAIN: None



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk

Phelps Road School Property
May 15th, 2018

Good evening members of the Board and Staff. My name is John A. Marks, Jr. and I reside at 225 Clark Street in Madison Heights, VA.

The purpose of my comments is to address the property known as the Phelps Road School Property. According to the Performance Agreement entered into by the County, the Economic Development Authority of the County, and Waukeshaw Development LLC , on the 17th day of October, 2017, certain maintenance commitments were made by Waukeshaw Development. In accordance with Paragraph 2 of the Performance Agreement, titled Safety & Maintenance Code, "The Company shall take the following steps for ongoing maintenance, not later than 30 days following the Closing Date: covering windows with construction fabric, ensuring that all grass is mowed, and trimming trees and bushes visible from public streets. It is the responsibility of the Company to maintain the Property in at least this state of repair until the commencement of construction." I would point out that is my opinion that Waukeshaw is in violation of this agreement. First, it certainly appears that the grass has not been mowed during this mowing season. The grass is about knee high and looks terrible. I hope this is not the standard that will be used to satisfy this commitment. Second, all of the windows have not been covered with construction fabric as required by the Performance Agreement. The windows inside of the U formed by the two buildings have not been covered and the closing date was 11-2-17. I find nothing in the agreement that allows this situation.

My next comments/questions deal with the ongoing maintenance of the property, and I would like for these to be considered as a FOIA request in accordance with the Board of Supervisors Rules of Procedure, Section 3.4 paragraph D. To that matter I am somewhat going out on a limb and assuming that the 2018 version of the procedure is the same as the 2017 version which is presented on the website. First, there clearly is a violation of the Performance Agreement, so what are the consequences of such a

violation and is there a time limit by which the Company must correct such violations? This is at least the second time in the last six months that it has been pointed out that Waukeshaw has been in violation of the Performance Agreement. The other occasion was on 12-5-17 and is recorded in the Board of Supervisors meeting minutes for that day. Second, since this is an agreement between the County, The Economic Development Authority and Waukeshaw what organization has the responsibility to monitor and confirm that all requirements of the Performance Agreement are being satisfied?

Thank you for your time., and I look forward to your response to my questions.