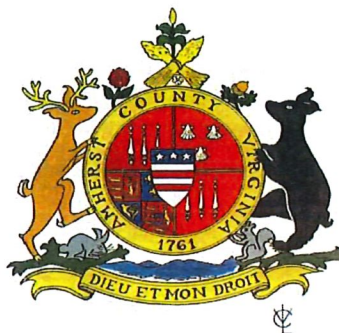


Board of Supervisors

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



County Administrator
Dean C. Rodgers

County Attorney
Michael W. S. Lockaby

AMHERST COUNTY BOARD OF SUPERVISORS
MINUTES – February 19, 2019

AGENDA

February 19, 2019
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. Special Exception Condition Modification – Poplar Grove Gate
- VI. Consent Agenda**
 - A. Minutes - January 15, 2019
- VII. New Business**
 - A. Electoral Board/Registrar – Precinct Changes and Ordinance Revisions
 - B. FY20 Revenue Projections
- VIII. County Administrator's Report**
 - A. Project Status Report
- IX. County Attorney's Report**
- X. Liaison and Committee Reports**
 - A. Joint Board Committee – Ms. Jennifer Moore
- XI. Departmental Reports**
 - A. Budget Status Report as of December 31, 2018
 - B. General Fund Availability Report
 - C. Extension Service Leadership Council – Annual Report
- XII. Citizen Comment**

XIII. Matters from Members of the Board of Supervisors

XIV. Closed Session

A. A closed session under Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County, specifically relating to the opioid crisis.

XV. 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 19th day of February, 2019, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT:	L. J. Ayers III, Chairman Kenneth M. Campbell, Vice-Chair David W. Pugh, Jr., Supervisor Jennifer R. Moore, Supervisor Claudia D. Tucker, Supervisor	ABSENT: Jennifer R. Moore, Supervisor
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COUNTY STAFF: County Administrator Dean C. Rodgers
Deputy County Administrator David R. Proffitt
County Attorney Michael W. S. Lockaby
EA Clerk to Board Regina M. Rice
Finance Director Stacey Wilkes
Public Safety Director Sam Bryant

OTHERS PRESENT: Registrar Francine Brown

I. Call to Order

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

II. Approval of Agenda

By motion of Supervisor Tucker and with the following vote, the Board approved the Agenda for February 19, 2019.

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

III. Invocation and Pledge of Allegiance

Chairman Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Public Hearing

A. Special Exception Condition Modification – Poplar Grove Gate

Planning/Zoning Director Jeremy Bryant presented his report to the Board regarding the special exception condition modification of the gate at Poplar Grove.

Mr. Bryant explained the request is to modify an existing condition that was required as part of Poplar Grove's approval in August 2006. The restriction limited the use of the gate at London Lane and Old Stage Road to emergency vehicles only.

Mr. Bryant read the existing condition:

"Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to emergency vehicles only."

The proposed condition would state:

Old Stage Road entrance to be closed after other proposed entrances are constructed, then limited to homeowners of Poplar Grove Golf Community and emergency vehicles only.

The Planning Commission held a public hearing in November and received comments from the public that were both for and against the request. The Planning Commission sought additional data and information from VDOT. The Planning Commission was unable to agree to a recommendation for the Board of Supervisors on the issue".

Mr. Bryant advised the applicant, Mr. Jeff Bryant, a representative of Poplar Grove community was present to provide additional information.

Mr. Jeff Bryant of Golf Course Trail, Amherst, Virginia, addressed the Board regarding the gate at Poplar Grove. He requested the gate be open only to residents living in the Poplar Grove community and monitored by an electronic clicker. Mr. Bryant advised there are 21 families living in Poplar Grove that would use the gate. He said all issues regarding traffic count, safety and speed on Old Stage Road have been addressed by VDOT. He asked the Board to allow the gate to be open only to Poplar Grove residents to access Old Stage Road.

The Public Hearing was opened.

Proponents:

Mr. Eldon Cox of Meadow Ridge Lane, Amherst, Virginia addressed the Board and said his home was built in the Poplar Grove community in 2005 and is located 300 yards from the gate. Once the golf course was completed, residents on Old Stage Road complained about the increased traffic. Mr. Cox said the residents of Poplar Grove community have the right to use the road and asked that the Board open the gate.

Ms. Carolyn Brunning of Forest Canopy Drive, Amherst, Virginia asked the Board to open the gate.

Opponents:

Mr. Andy Young of Old Stage Road, Amherst, Virginia, spoke on behalf of the residents on Old Stage Road. He said residents are opposed to the London Lane gate and concerned about the negative impact on their neighborhood and compromised travel safety. He reported that Old

Stage Road was too narrow and did not meet VOT traffic counts. Sections of the road have a nine-foot width, limited shoulder and sight distance issues with blind curves and hills. He stated there were three other entrances to Poplar Grove intersecting with Ebenezer Road, Union Hill Road and the Golf Course Trail that intersects with east Sweet Briar Drive. Mr. Young urged the Board to vote no.

Mr. John Jenson of Old Stage Road, Amherst, Virginia, addressed the Board and said that in 2008 homeowners were given permission to use the gate, when that was not correct. He requested that the Board reconsider this issue with all the true facts and documents. He was concerned that twelve feet of his property would be taken to upgrade the road and asked the Board to vote against supporting a private entrance.

Proponents:

Mr. J. D. Burley of Golf Course Trail, Poplar Grove, addressed the Board and understood the concerns of residents on Old Stage Road and residents at Poplar Grove. Mr. Burley said an investment in Poplar Grove would be an investment in the county, and if the county does not improve or grow, then the county is being left behind. He said the Board has the opportunity to change this by voting yes.

Mr. Ryan Stinnett of London Lane, Amherst, Virginia addressed the Board and stated he lives near the gate. He said there are only a few houses on Old Stage Road that would be impacted, and that the Poplar Grove community was not trying to ruin a “state-maintained tax-paid road”.

Opponent: Mr. Chad Bryant of Old Stage Road, Amherst, Virginia, addressed the Board with his concern about the gate entrance saying VDOT did not approve to use this as an entrance. He said there is not a stop sign on London Lane to prevent traffic from pulling out onto Old Stage Road and that the site distance was a safety issue. Mr. Bryant asked what had changed in the last decade to open the gate to Old Stage Road, which would override the previous decision keeping the gate closed except to emergency vehicles.

The Public Hearing was closed.

Supervisor Tucker asked how emergency vehicles would use the entrance to the gate. Public Safety Director Sam Bryant commented that the emergency vehicles already have an access way to enter through the gate.

Supervisor Pugh said the original permit required that the Old Stage Road entrance be closed after other proposed entrances were constructed and only to be used by emergency vehicles. He did not support changing the original decision and said the gate should remain closed.

Supervisor Tucker said the decision should be based on the facts and fair to both parties. She said that residents of Old Stage Road should enjoy the peace and tranquility but remove any barriers of the future success of Poplar Grove that could fiscally impact on the county.

Chairman Ayers asked about the safety of the road used by the residents.

Mr. Bryant suggested that an analysis should be done by Poplar Grove for VDOT to include the speed limit, site distances, pavement upgrade, and off-site easements.

By motion of Supervisor Tucker and with the following vote, the Board directed the gate of London Lane be accessible to homeowners of Poplar Grove by use of a clicker mechanism. The homeowners’ association president or his or her designee shall have control of distribution and registration of such devices; and further directed that a stop sign be erected by Poplar Grove at

their expense at the intersection of London Lane and Old Stage Road; and further directed that Jeremy Bryant and Poplar Grove work together with VDOT for further safety concerns.

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

VI. Consent Agenda

A. Minutes - January 15, 2019

By motion of Supervisor Pugh and with the following vote, the Board approved the Consent Agenda for February 19, 2019.

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

VII. New Business

A. Electoral Board/Registrar – Precinct Changes and Ordinance Revisions

Registrar Francine Brown advised the Electoral Board needed to relocate two to three voting precincts due to requests made by the providers of those sites.

Ms. Brown requested the following:

That the Monroe Precinct (currently at New Life Church) move to the Recreation and Parks building; that the Lonco Precinct (currently at New Beginning Tabernacle) move to the Amherst Monroe Ruritan Club; and that the Pleasant View Precinct (at the former Pleasant View Elementary School) move to the New Prospect Church.

In addition, Ms. Brown requested that the words "Special Elections" be added to the Central Absentee Precinct section of the current ordinance.

By motion of Chairman Ayers and with the following vote, the Board accepted those recommendations and directed the County Attorney to revise four election voting ordinances.

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

B. FY20 Revenue Projections

Finance Director Stacey Wilkes provided the Board an explanation of the projection of revenues for FY 2019. The report shows revenues and expenses through December 31, 2018.

Ms. Wilkes reiterated the request by two external providers, Legal Aid Society and Southeast Rural Assistance to receive County funding.

The Board agreed not to fund those two organizations.

Ms. Wilkes advised she will provide the Board a copy of the draft O&M budget today.

County Administrator Rodgers invited Board members to contact all departments to answer any questions. He said the budget does include a two percent COLA increase for county employees but no salary adjustments.

Supervisor Tucker asked about a possible health insurance increase.

Ms. Wilkes advised this will be brought to the Board at the March 19th meeting.

Mr. Rodgers advised this is the revenue to build the budget that includes cut lines and how to address the salary of 50 employees who are below market.

Mr. Rodgers said he was informed of a six percent increase by Local Choice. He requested that two Board members participate in the recommendation process as the County considers changes to its health insurance.

VIII. County Administrator's Report

B. Project Status Report

County Administrator Rodgers provided the Board with an update to the Project Status Report:

- Winton County Club – a water drawdown test was conducted which resulted in over 10,000 gallons per day from the one main well.
- Dodds Ford Convenience Center – waiting on the power company to finish the easement.
- Joint meeting with Amherst Town Council will be held at Town Hall Council Chambers on March 13, 2019 beginning at 6:30 p.m. A second meeting will be on September 17th at the County Administration building.

IX. County Attorney's Report

County Attorney Lockaby advised that Comcast has submitted a draft franchise agreement.

Mr. Lockaby advised that Building Official Nate Young has had notable success with people who had problematic properties to enter into agreements with the county, which will be enforceable to get their properties in order.

Liaison and Committee Reports

A. Joint Board Committee – Ms. Jennifer Moore

Supervisor Tucker reported on items the Joint Board Committee discussed.

X. Departmental Reports

A. Budget Status Report as of December 31, 2018

Finance Director Stacey Wilkes advised that all departments are operating where they should be.

B. General Fund Availability Report

Finance Director Stacey Wilkes reported on the General Fund Availability Report, which is the status report of unobligated funds available for use by the Board in this fiscal year. These funds are not part of the O&M budget.

C. Extension Service Leadership Council – Annual Report

For the Board's information.

XI. Citizen Comment

Mr. Rich Myers of Amherst, Virginia, addressed the Board and commented that if a transfer station is built at the current landfill, it would favorably impact Sweet Briar College, county residents and the Town of Amherst, who currently are not charged tipping fees.

XII. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Pugh commented on two items from the previous meeting regarding the landfill and tipping fees. He said that tipping fees will increase and may be passed to the Town and Sweet Briar College. He said the landfill is an asset to the county, provides the most flexible option including demolition and debris removal such as the tornado in Elon. He asked for a firm cost on building a new cell and the upkeep of the landfill. Supervisor Pugh advocated keeping the landfill open and would not support a new transfer station.

Mr. Rodgers commented on the different costs to operate the next cell for 23-27 years compared to the costs to haul waste to Amelia County. He advised this information would be presented to the Board at the March 5 meeting on the costs.

Supervisor Tucker voiced her concern about the liability of operating the county's landfill.

Mr. Lockaby commented that putting more waste into the ground increases your risk and sooner or later problems will occur that may cost millions of dollars.

Chairman Ayers reported that Beverly Town Road has not had maintenance by VDOT over the last 12 months. He requested the County Administrator to contact VDOT to look into this matter.

Vice-Chair Campbell had no matter to discuss.

XIII. Closed Session

- A. A closed session under Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County, specifically relating to the opioid crisis.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed a closed session, pursuant to under Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County, specifically relating to the opioid crisis.

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

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

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

CERTIFICATION OF CLOSED MEETING

Supervisor Tucker 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.

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

By motion of Supervisor Tucker and with the following vote, the board authorized the County Attorney to negotiate and the County Administrator to execute a retainer agreement with the Kaufman & Canoles group per the closed session discussion on the opioid litigation.

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

By motion of Supervisor Campbell and with the following vote, the Board adjourned at 9:31 p.m.



L. J. Ayers III, Chairman
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk