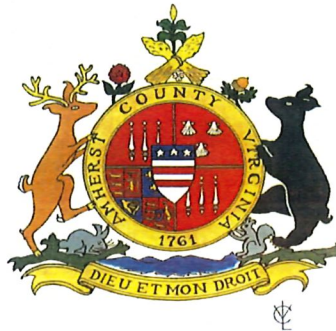


Board of Supervisors

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

August 6, 2019
Board of Supervisors
Administration Building - 153 Washington Street - Public Meeting Room
Amherst, Virginia 24521
Informal Luncheon – 12:00 p.m.
Meeting Convened – 1:00 p.m.

I. Call to Order

II. Approval of Agenda

III. Invocation and Pledge of Allegiance

IV. Citizen Comment

V. Ordinances - First Reading

A. Ordinance 2019-0007, amending § 712.03 – Special exceptions of Appendix A – Zoning & Subdivisions, Article VII – Use Requirements By Zoning Districts, to the Code of the County of Amherst to add restaurants to special exceptions.

B. Ordinance 2019-0008, amending § 1207.03 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to change the number of lots.

C. Ordinance 2019-0009, amending § 901.02 of Appendix A - Zoning and Subdivision, Article IX – Special Provisions to the Code of the County of Amherst to add language pertaining to accessory and temporary buildings.

D. Ordinance 2019-0010, amending § 1202.04 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to add language pertaining to vacation of boundary lines.

E. Ordinance 2019-0011, amending Sections 10-70 and 10-78 of Article V. Abatement of Refuse and Weeds in Chapter 10 Offenses and Miscellaneous Provisions; and amending Sections 13-26 through 13-39 of Article II. Litter Prevention and Control in Chapter 13 Solid Waste of the Amherst County Code.

VI. Consent Agenda

- A. Appropriation of Revenue- Commonwealth Attorney
- B. Appropriation of Revenue- Sheriff's Office
- C. 2019 PPTRA Rate - Commissioner of the Revenue
- D. Resolution No. 2019-0011-R, establishing the Amherst County 2020 Census Complete Count Committee

VII. New Business

- A. Amherst County Service Authority - Articles of Incorporation
- B. Amherst County Service Authority Board Charter
- C. Grant of Ingress/Egress Easement to Economic Development Authority for Phelps Road School Re-Development Project.
- D. Assignment of Road Maintenance Rights to Central Virginia Planning District Commission

VIII. County Administrator's Report

- A. Boards/Commissions/Committees - Planning Commission

IX. County Attorney's Report

X. Liaison and Committee Reports

- A. Lynchburg Regional Business Alliance, Exec Bd, July 12, 2019
- B. Central Virginia Planning District Commission Meeting, July 18, 2019
- C. Central Virginia Metropolitan Planning Organization Meeting, July 18, 2019

XI. Departmental Reports

- A. Monthly Treasurer's Report - June 2019

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 6th day of August, 2019, at 1:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

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

I. Call to Order

Vice-Chair Campbell called the meeting to order at 1:00 p.m.

Supervisor Ayers and Supervisor Moore were absent from this meeting.

II. Approval of Agenda

By motion of Supervisor Tucker and with the following vote, the Board approved the Agenda for August 6, 2019.

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

III. Invocation and Pledge of Allegiance

Supervisor Pugh led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Ms. Suny Monk of Amherst, Virginia addressed the Board on behalf of Second Stage and expressed her thanks for the Board's continued trust and support, which in turn has incentivized other donors. Ms. Monk provided an update on all of the activities occurring at Second Stage.

V. Ordinances - First Reading

- A. Ordinance 2019-0007, amending § 712.03 – Special exceptions of Appendix A – Zoning & Subdivisions, Article VII – Use Requirements By Zoning Districts, to the Code of the County of Amherst to add restaurants to special exceptions.

Community Development Director Jeremy Bryant presented information regarding a proposed amendment by the Planning Commission to allow restaurants in RMU-1 districts as part of the business friendliness initiative.

By motion of Supervisor Pugh and with the following vote, the Board directed staff to schedule Ordinance 2019-0007 for a public hearing at the next evening meeting.

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

- B. Ordinance 2019-0008, amending § 1207.03 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to change the number of lots.

Community Development Director Jeremy Bryant presented information regarding a proposed amendment to county ordinance that would increase the number of lots from 3 to 10 lots reviewed by the Planning Commission. Mr. Bryant advised this change would accelerate the approval process, which was recommended by the Planning Commission on July 18, 2019.

By motion of Vice-Chair Campbell and with the following vote, the Board directed staff to schedule Ordinance 2019-0008 for a public hearing at the next evening meeting.

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

- C. Ordinance 2019-0009, amending § 901.02 of Appendix A - Zoning and Subdivision, Article IX – Special Provisions to the Code of the County of Amherst to add language pertaining to accessory and temporary buildings.

Community Development Director Jeremy Bryant presented information regarding a proposed amendment to county ordinance to reduce the requirement for accessory structures from 15 feet to 5 feet as required by the Virginia State Building Code.

Mr. Bryant said the second amendment to County ordinance addresses the placement of accessory structures on internal lot lines with the requirement when a main building is located on the same lot.

Mr. Bryant advised that on July 18, 2019, the Planning Commission recommended approval of these two amendments as part of the business friendliness initiative.

By motion of Supervisor Tucker and with the following vote, the Board directed staff to schedule Ordinance 2019-0009 for a public hearing at the next evening meeting.

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

D. Ordinance 2019-0010, amending § 1202.04 of Appendix A - Zoning and Subdivision, Article XII – Subdivision Platting Requirements to the Code of the County of Amherst to add language pertaining to vacation of boundary lines.

Community Development Director Jeremy Bryant presented information regarding a proposed amendment to county ordinance that would vacate internal lot lines by a deed or plat. He advised that current County Code requires a plat only and this amendment would offer citizens a quicker way to vacate internal lot lines.

Mr. Bryant advised that on July 18, 2019 the Planning Commission recommended approval of this amendment.

By motion of Vice-Chair Campbell and with the following vote, the Board directed staff to schedule Ordinance 2019-0010 for a public hearing at the next evening meeting.

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

E. Ordinance 2019-0011, amending Sections 10-70 and 10-78 of Article V. Abatement of Refuse and Weeds in Chapter 10 Offenses and Miscellaneous Provisions; and amending Sections 13-26 through 13-39 of Article II. Litter Prevention and Control in Chapter 13 Solid Waste of the Amherst County Code.

County Attorney Lockaby reported to the Board amendments to County ordinance regarding refuse and weeds and county ordinance addressing litter. He said the County has adopted a civil penalty for those violations.

Mr. Lockaby advised the littering ordinance is authorized by a VDOT statute in State Code and permitted to allow the County to do litter control on public and private property.

Mr. Lockaby asked the Board to decide if this violation should be a Class 3 Misdemeanor or kept as a Class 1 Misdemeanor with appeals to the General District Court Judge.

By motion of Supervisor Tucker and with the following vote, the Board directed staff to schedule Ordinance 2019-0011 for a public hearing at the next evening meeting.

AYE: Mr. Campbell, Mr. Pugh and Ms. Tucker
NAY: None

ABSENT: Mr. Ayers and Ms. Moore

VI. Consent Agenda

- A. Appropriation of Revenue- Commonwealth Attorney
- B. Appropriation of Revenue- Sheriff's Office
- C. 2019 PPTRA Rate - Commissioner of the Revenue
- D. Resolution No. 2019-0011-R, establishing the Amherst County 2020 Census Complete Count Committee

By motion of Supervisor Tucker and with the following vote, the Board approved the Consent Agenda for August 6, 2019.

AYE: Mr. Campbell, Mr. Pugh and Ms. Tucker

NAY: None

ABSENT: Mr. Ayers and Ms. Moore

VII. New Business

- A. Amherst County Service Authority - Articles of Incorporation

County Administrator Rodgers addressed the Board regarding the ACSA Articles of Incorporation and makeup of its Board. The proposal would result in changing the ACSA Board of Directors to having three Supervisors and two citizens.

Mr. Rodgers asked for the Board's input on the proposed Articles of Incorporation that would be presented at a public hearing.

County Attorney Lockaby advised that the Board hold a public hearing by the second meeting in November.

- B. Amherst County Service Authority Board Charter

County Administrator Rodgers suggested that the Board table this item for additional discussion.

Supervisor Tucker agreed and requested the matter be placed on the next ACSA agenda for further discussion.

- C. Grant of Ingress/Egress Easement to Economic Development Authority for Phelps Road School Re-Development Project.

County Attorney Lockaby explained that at the rear of Phelps Road School is County-owned open green space and a gravel parking lot.

Mr. Lockaby said in order to gain access to the rear of the former school, it would be necessary for the Phelps Road School Re-Development Project to cross over that part of the gravel parking lot.

Mr. Lockaby advised that the County would need to grant an easement to the Economic Development Authority who presently owns the school. The EDA would then grant to Waukeshaw Development the easement for ingress/egress across the parking lot. This would complete a requirement by the bank to allow Waukeshaw Development to obtain funding to build a parking lot entrance.

He requested that the Board advertise this for a public hearing

By motion of Vice-Chair Campbell and with the following vote, the Board directed staff to schedule a public hearing in order to consider the transfer of an access easement to the EDA, as presented.

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

D. Assignment of Road Maintenance Rights to Central Virginia Planning District Commission

County Attorney Lockaby explained there are two towers located on County-owned property that the CVPDC Radio Board has telecommunications equipment installed on. CVPDC has asked the County for the right to perform periodic maintenance on those roads at no cost to the County.

Mr. Lockaby advised the agreement gives the CVPDC the right to do maintenance on those roads.

By motion of Supervisor Pugh and with the following vote, the Board directed staff to schedule a public hearing of the proposed maintenance assignment at an upcoming evening meeting.

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

VIII. County Administrator's Report

A. Boards/Commissions/Committees - Planning Commission

County Administrator Rodgers advised the term of Beverly Jones expires on August 31, 2019. Ms. Jones submitted a letter of interest seeking re-appointment to the District 5 seat on the Planning Commission.

The vacancy was advertised in the News & Advance on July 7, 2019 and in the New Era Progress July 11, 2019. The closing date was July 31, 2019. Staff did not receive any additional letters of interest from the public.

By motion of Supervisor Pugh and with the following vote, the Board reappointed Ms. Beverly Jones to the District 5 Planning Commission for a four-year term.

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

IX. County Attorney's Report

County Attorney Lockaby advised the Comcast Franchise Agreement is near completion and soon to be presented to the Board as a first read. Comcast has made a positive commitment to build out its system to 25 units per mile which will be a good expansion of service to the County.

X. Liaison and Committee Reports

- A. Lynchburg Regional Business Alliance, Exec Bd, July 12, 2019
- B. Central Virginia Planning District Commission Meeting, July 18, 2019
- C. Central Virginia Metropolitan Planning Organization Meeting, July 18, 2019

For information only.

XI. Departmental Reports

A. Monthly Treasurer's Report - June 2019

For information only.

XII. Citizen Comment

Mr. Bill Peters of Amherst, Virginia addressed the Board regarding gerrymandering in the State. He asked how the County would examine district lines guaranteeing there would be no gerrymandering in the county. He said it is a very serious issue and connected with the 2020 Census, and asked the Board to keep the public informed.

XIII. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Pugh had no matter to discuss.

Vice-Chair Campbell expressed thanks to Community Development Director Jeremy Bryant for taking care of Mr. Doss regarding the train whistle blowing and mosquito issue in the Galts Mill area.

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.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed session pursuant 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. Campbell, Mr. Pugh and Ms. Tucker
NAY: None
ABSENT: Mr. Ayers and Ms. Moore

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

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

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.


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

XV. Adjournment

By motion of Supervisor Tucker and with the following vote, the Board adjourned at 1:48 p.m.

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



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



Dean C. Rodgers, Clerk