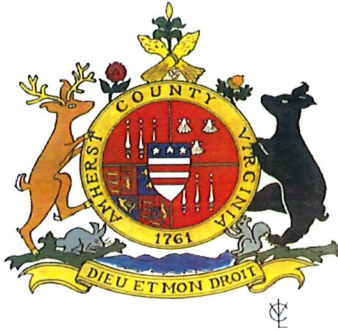


Board of Supervisors

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

September 17, 2019
Board of Supervisors
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

VI. Consent Agenda

- A. Minutes - August 20, 2019
- B. Commemorative Resolution 2019-0001-CR
- C. Appropriation Request - Amherst County Sheriff's Office

VII. Special Presentation

- A. Constitution Week September 17 - 23, 2019
- B. Invitation to the Annual CVPDC Meeting, October 17, 2019 - Mayor Tweedy
- C. School Superintendent - Dr. Arnold

VIII. Old Business

- A. Amherst County Service Authority - Articles of Incorporation
- B. Amherst County Service Authority Board Charter
- C. Board of Equalization

IX. New Business

- A. Road Naming - Public Safety
- B. Adoption of FY 2021 Budget Calendar
- C. Nationwide Retirement Solutions Deferred Compensation Fixed Annuity Contract Amendment
- D. Agreement - Amherst County, EDA, and AFD for Firetruck Purchase

X. County Administrator's Report

- A. Boards/Commissions/Committees - Board of Zoning Appeals
- B. Projects Status Report

XI. County Attorney's Report

XII. Liaison and Committee Reports

- A. Blue Ridge Regional Jail Board of Directors Meeting, September 5, 2019

XIII. Departmental Reports

- A. Treasurer's Report for July, 2019

XIV. Citizen Comment

XV. Matters from Members of the Board of Supervisors

XVI. Closed Session

A. A closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to the Winton Country Club property.

B. 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 Mason et. al. v. Board of Supervisors, Amherst County.

XVII. 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 17th day of September, 2019, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

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

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
Public Safety Director Sam Bryant

I. Call to Order

Vice-Chair Campbell called the meeting to order at 7:00 p.m. and noted for the record that Chairman Ayers was absent.

II. Approval of Agenda

The Board amended the agenda by striking VIII. Items A. and B. and adding under X. Item C. Update on swimming at Mill Creek Lake.

By motion of Supervisor Tucker and with the following vote, the Board approved the Agenda as amended for September 17, 2019.

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

III. Invocation and Pledge of Allegiance

Supervisor Tucker led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment

VI. Consent Agenda

- A. Minutes - August 20, 2019
- B. Commemorative Resolution 2019-0001-CR

County Administrator Rodgers introduced Ms. Esther Candari as the artist who painted a mural on the Goodwin Building depicting the Monacan Indian Nation culture.

Mr. Rodgers presented a resolution to Ms. Candari in appreciation of her artistic donation to the County.

- C. Appropriation Request - Amherst County Sheriff's Office

By motion of Supervisor Pugh and with the following vote, the Board approved the Consent Agenda for September 17, 2019.

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

VII. Special Presentation

- A. Constitution Week September 17 - 23, 2019

Ms. Sally Glenn and Ms. Ellen Pettyjohn, members of the Amherst Chapter of the Daughters of the American Revolution addressed the Board proclaiming September 17 – 23, 2019 as Constitution Week. An official proclamation was read by Ms. Glenn. **(See Attachment 1)**

By motion of Supervisor Tucker and with the following vote, the Board authorized the Vice-Chair to sign the proclamation.

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

B. Invitation to the Annual CVPDC Meeting, October 17, 2019 - Mayor Tweedy

Lynchburg City Mayor Treney Tweedy addressed the Board and invited all Board members to the Central Virginia Planning District Commission's Strategic Direction Roundtable 2019 on October 17, 2019 at 5:00 p.m. **(See Attachment 2)**

B. School Superintendent - Dr. Arnold

Amherst County School Superintendent Dr. Rob Arnold addressed the Board and provided an update regarding school matters. Dr. Arnold shared the following:

- Received a release from the agreement with the Office of Civil Rights regarding civil rights issues of students at the high school; and
- Reported that seven out of ten schools now have vestibules for security measures making school buildings safer; and
- Reported this is the second year that all nine schools are fully accredited by the State.

Dr. Arnold provided to Board members a copy of the Amherst County Public Schools 2019-2024 Comprehensive Plan. He advised that a public hearing will be held on October 10, 2019 on the Plan and then the School Board will vote on the same.

Dr. Arnold thanked Board members for supporting the school system and focusing on engaging students back into the community.

Supervisor Pugh thanked Dr. Arnold and all those involved for all of the work that was put into the Comprehensive Plan.

VIII. Old Business

~~A. Amherst County Service Authority—Articles of Incorporation~~

~~B. Amherst County Service Authority Board Charter~~

C. Board of Equalization

Deputy County Administrator David R. Proffitt addressed the Board regarding candidates for appointment to the Board of Equalization.

Mr. Proffitt provided the names of individuals who would be able to serve on the Board of Equalization: Mr. Kelvin Brown, Mr. Kenneth Althouse, Mr. Richard Wydner and Mr. Monte Jennings as an alternative.

By motion of Supervisor Pugh and with the following vote, the Board recommended to the Circuit Court Judge the appointment of Richard Wydner, Kenneth Althouse and Kelvin Brown as regular members for the Board of Equalization, and Monte Jennings as an alternate member.

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

IX. New Business

A. Road Naming - Public Safety

Public Safety Director Sam Bryant presented to the Board information regarding naming a road in Amherst County.

Mr. Bryant explained that County Code states “the Amherst County Board of Supervisors or their designee are authorized and directed to assign road names and numbers to all properties on both existing and proposed roads”.

Mr. Bryant advised this area is approximately one-half mile of a fire trail north of the intersection of Larkin Mountain Road and Christian Mill Creek Road. He said the proposed the name would be “Free Bird Lane”.

Mr. Bryant stated that an ordinance is required to change Section 11.5-8 to add " Free Bird Lane" to the designated highways of the county for law enforcement purposes.

By motion of Vice-Chair Campbell and with the following vote, the Board directed staff to undertake the actions necessary to designate the proposed section of fire road as "Free Bird Lane" and add it to the county's system of roads.

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

B. Adoption of FY 2021 Budget Calendar

County Administrator Rodgers submitted to the Board the FY2021 budget calendar.

Mr. Rodgers advised additional workshops have been added for discussion of several issues including business equity tax changes, real estate tax assessment and a potential real estate tax increase.

By motion of Vice-Chair Campbell and with the following vote, the Board approved the FY2021 Budget Calendar as presented.

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

C. Nationwide Retirement Solutions Deferred Compensation Fixed Annuity Contract Amendment

Human Resource Director Linda Warner addressed the Board with regard to the County's deferred compensation fund managed by Nationwide Retirement Solutions. This is a fixed annuity plan that allows County employees to invest a portion of their pre-taxed salary toward their retirement, and no County money is contributed to this fund.

Ms. Warner explained Nationwide Retirement Solutions is changing its fixed annuity contract, that will allow employees to transfer more of their retirement funds to a different fund for a better return on their investment.

By motion of Supervisor Tucker and with the following vote, the Board selected Option Two, and directed the County Administrator as the Plan Sponsor to sign the Options Form and the Fixed Annuity Contract Amendment as presented.

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

D. Agreement - Amherst County, EDA, and AFD for Firetruck Purchase

County Attorney Lockaby advised the Amherst Fire Department is purchasing a fire truck from Pierce Manufacturing and one option would be to prepay the cost of the truck, thus saving approximately \$35,000.

Mr. Lockaby explained the County is prohibited from lending money to the manufacturer to build the fire truck; however, the EDA can lend the money for a “purpose of equipping county facilities”, which would be a public safety facility.

The EDA would prepay 95% of the cost of the truck and retain 5% of the cost as a retainer. The EDA would take a performance bond giving the EDA the right to go against a third party if the contractor does not perform or Pierce Manufacturing goes out of business before the truck is delivered.

Mr. Lockaby advised the Amherst Fire Department and the EDA have approved the agreement and recommended that the Board accept the same.

AFD Chief Tom Martin expressed his thanks for the Board’s support and everyone involved to make this happen.

By motion of Supervisor Moore and with the following vote, the Board approved the Agreement as presented between Amherst County, Amherst County Economic Development Authority and Amherst Fire Department for the purpose of achieving cost savings in the purchase of a fire truck.

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

X. County Administrator's Report

A. Boards/Commissions/Committees - Board of Zoning Appeals

County Administrator Rodgers reported that Clarence Monday has submitted his resignation from the Board of Zoning Appeals due to relocation from Amherst County.

The vacancy was appropriately advertised and staff received a letter of interest from Ms. Catherine Gamble, who is currently a member on the Planning Commission. Staff consulted with the County Attorney who advised it was permissible to allow one person to sit on two separate boards.

Mr. Rodgers asked the Board to make a recommendation to the Amherst Circuit Court Judge for Ms. Gamble's appointment to fill Mr. Monday's unexpired term.

By motion of Supervisor Tucker and with the following vote, the Board recommended to the Amherst County Circuit Court Judge that Ms. Gamble be appointed to fill the unexpired term of Mr. Clarence Monday.

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

C. Projects Status Report

County Administrator Rodgers updated the Board on the following:

- Broadband – SCS is working on the Panther Mountain tower and anticipate completion of work by the end of September 2019.
- Phelps Road School – Performance Agreement requires Waukeshaw Development to change the school into apartments. Waukeshaw is now taking ownership of the building to meet that requirement.
- Landfill - A meeting will be held on September 25. The County has received interest from three firms and then will decide on a contract.
- Swimming at Mill Creek Lake – Sand is in place and signage ready to be installed. Ropes will be added to mark the designated swimming area. Three water tests have been completed by James River Association that all show the water to be safely within E.coli limits. (See Attachment 3)

Supervisor Tucker requested that monthly testing begin next spring.

XI. County Attorney's Report

XII. Liaison and Committee Reports

A. Blue Ridge Regional Jail Board of Directors Meeting, September 5, 2019

For Information Only.

XIII. Departmental Reports

A. Treasurer's Report for July, 2019

For Information Only.

XIV. Citizen Comment

There was no public comment.

XV. Matters from Members of the Board of Supervisors

Supervisor Tucker advised she will be absent at the October 1 ACSA and Board of Supervisors' meetings.

Supervisor Moore had no matter to discuss.

Supervisor Pugh had no matter to discuss.

Vice-Chair Campbell had no matter to discuss.

XVI. Closed Session

A. A closed session, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to the Winton Country Club property.

B. A. closed session, pursuant to 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 Mason et. al. v. Board of Supervisors, Amherst County.

Supervisor Tucker moved that the Amherst County Board of Supervisors convene in closed session pursuant to §.2.2-3711(A)(3) of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically relating to the Winton Country Club property; and, a closed session, pursuant to 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 Mason et. al. v. Board of Supervisors, Amherst County.

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

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

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

CERTIFICATION OF CLOSED MEETING

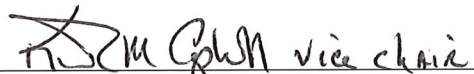
Supervisor Tucker moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

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


XVII. Adjournment

By motion of Supervisor Pugh and with the following vote, the Board adjourned at 8:23 p.m.

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



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



Dean C. Rodgers, Clerk



Sponsored by the Amherst Chapter NSDAR

PROCLAMATION

Constitution Week 2019

Whereas, September 17, 2019, marks the two hundred and thirtieth second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

Whereas, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

Whereas, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

Whereas, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;

NOW, THEREFORE, I, Kenneth M. Campbell, Vice-Chair of the Amherst County Board of Supervisors do hereby proclaim September 17 through 23, 2019, to be

CONSTITUTION WEEK

in Amherst County and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Seal of Amherst on this seventeenth day of September in the year of our Lord two thousand nineteen and of the Independence of the United States of America the two hundred and forty-first.

Kenneth M. Campbell, Vice-Chair
Amherst County Board of Supervisors

CENTRAL VIRGINIA
PLANNING DISTRICT

STRATEGIC DIRECTION ROUNDTABLE 2019

You are invited to take part in the discussion
that will set a strategic direction for the
Central Virginia Planning District by identifying
an area of focus that will advance the region.

Thursday, October 17, 2019

5:00 Reception

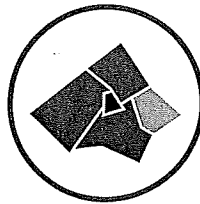
Heavy hors d'oeuvres

5:30 Rountable begins

Lynchburg Regional Business Alliance
300 Lucado Place, Lynchburg, VA 24502

No cost to attend

Register by calling: Susan Cook @ 434-845-3491
Or visiting: www.cvpdc.org/rsvp



WATER QUALITY TESTING AT MILL CREEK LAKE

<u>Test Date</u>	<u>Result*</u>
August 9	1 cfu
August 22	0 cfu
August 29	0 cfu

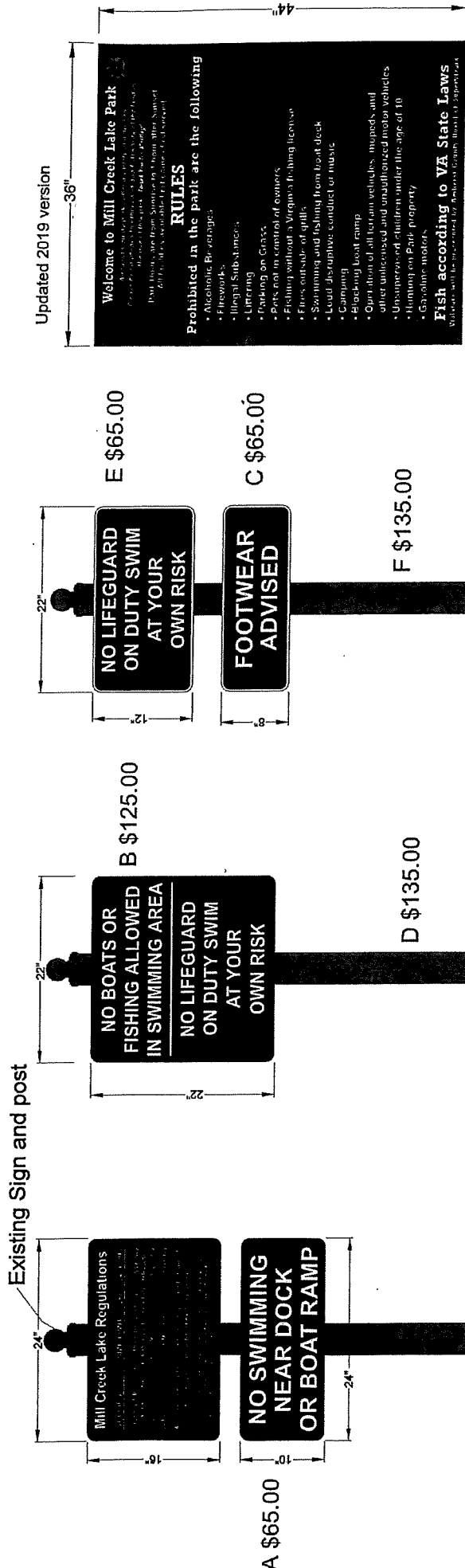
* The DEQ limit for safe swimming areas is 235 cfu (E. coli Colony Forming Units). Testing has been performed by the James River Association which performs testing for DEQ of the James River and other water bodies.

Staff proposes a testing regime of once per month beginning in April 2020 and ending in September. At that time, the BoS will be invited to revisit the testing regime. Approximately \$500 will be needed from the Parks & Recreation Dept budget to purchase sufficient test kits.

EXPENDITURES FOR MILL CREEK LAKE SWIMMING AREA

Sand Mats	\$ 736.00
Mini excavator rental	\$ 525.00
Sand	\$ 598.00
Rope, block, hooks	\$ 57.76
Rope, buoys, anchors	\$1,401.87
Signs	\$1,200.00
TOTAL	<i>\$4,518.56</i>

In kind: Borrowed personal boat
 Borrowed personal kayak
 2 weeks county staff time



Plus another
Red sign & Pole:
\$65
"No fishing in
designated
swimming area"

Updated 2019 version

36"

44"

Welcome to Mill Creek Lake Park

As you enter the park, please follow the rules. These rules are posted in the park office and on the park website. Please help us keep the park beautiful and safe for everyone.

RULES

Prohibited in the park are the following:

- Alcoholic beverages
- Firearms
- Illegal Substances
- Littering
- Parking on Grass
- Pets not in control of owners
- Fishing without a Virginia fishing license
- Fires outside of grills
- Swimming and fishing from boat deck
- Loud disruptive conduct or music
- Camping
- Backing boat ramp
- Operation of all terrain vehicles, mopeds, and other unlicensed and unattended motor vehicles
- Unsupervised children under the age of 10
- Hunting on Park property
- Gasoline motors

Fish according to VA State Laws

Violators will be prosecuted by Fisheries Control Board of appropriate

G \$155.00

Work Order



I. H. McBride Sign Company Inc.

P. O. Box 622
Lynchburg, VA 24505
Ph: (434) 847-4151
FAX: (434) 845-6980
Web: <http://www.mcbridesigns.com>

Invoice No:

WIP

7590

Order Date: 8/21/2019

Due Date: 8/26/2019

DueTime: 3:00:00PM

Description: Mill Creek fishing and swimming signs

Ordered by: Sara Lu Christian

Billed To: Amherst County Parks & Recreation

Address: P. O. Box 556
Amherst, VA 24521

Office Phone: (434) 946-9371

Email: N/A

Salesperson: Christopher Woodall

Entered By: Christopher Woodall

Item #	Product	Quantity	Subtotal
1	General Entry	1	\$945.00
Description:	Sign A. Qty. of 1 - 10" x 24" x .125 aluminum sign, painted both sides, vinyl letters, concealed angle brackets for mounting "No Swimming Near Dock or Boat Ramp" Price \$65.00		
	Sign B. Qty. of 1 - 22" x 22" x .125" aluminum sign, painted both sides, vinyl letters, concealed angle brackets for mounting "No Boat Allowed... / No Lifeguard on duty" Price \$125.00		
	Sign C. Qty. of 1 - 8" x 22" x .125" aluminum sign, painted both sides, vinyl letters, concealed angle brackets for mounting "Footwear Advised" Price \$65.00		
	Sign E. Qty. of 1 - 12" x 22" x .125" aluminum sign, painted both sides, vinyl letters, concealed angle brackets for mounting "No Lifeguard on Duty Swim At Your Own Risk" Price \$65.00		
	Item D & F Aluminum Posts - Qty. of 2 - 4" x 4" x 6' ht. (approximate ht.) Price \$135.00 Total \$270.00		
	Sign G. Qty. of 1 - 44" x 36" digital print to cover an existing sign panel, 3M Control Tac with UV guard overlamine Price \$155.00		
	Sign H. Qty. of 1 - 12" x 22" x .125" aluminum sign, painted both sides, vinyl letters, concealed angle brackets for mounting "No Fishing In Designated Swimming Area" Price \$65.00		
	Item I, Aluminum Post - Qty. of 1 - 4" x 4" x 6' ht. (approximate ht.) Price \$135.00		
	All items listed painted with Akzo Nobel Grip Guard EFX Automotive Paints		

Work Order



I. H. McBride Sign Company Inc.

P. O. Box 622
Lynchburg, VA 24505
Ph: (434) 847-4151
FAX: (434) 845-6980
Web: <http://www.mcbridesigns.com>

Invoice No:

WIP

7590

Order Date:

8/21/2019

Due Date:

8/26/2019

DueTime:

3:00:00PM

Description: Mill Creek fishing and swimming signs

Ordered by: Sara Lu Christian

Billed To: Amherst County Parks & Recreation

Address: P. O. Box 556
Amherst, VA 24521

Office Phone: (434) 946-9371

Email: N/A

Salesperson: Christopher Woodall

Entered By: Christopher Woodall

Item #	Product	Quantity	Subtotal
2	Installation	1	\$515.00
Description: Installation \$515.00 Dig and set 3 posts in concrete, apply overlay vinyl decal to existing rules sign			

PRODUCTION NOTES:

Converted from Estimate 1614 on 8/21/2019

Subtotal:	\$1,460.00
Taxes:	\$0.00
Total:	\$1,460.00
Balance:	\$1,460.00