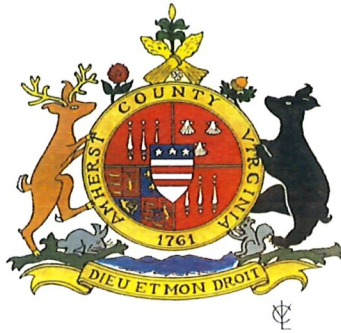


Board of Supervisors

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

October 15, 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

- A. Rezoning Request No. 2019-321
- B. Rezoning Request No. 2019-360

VI. Consent Agenda

- A. Minutes - September 17 & September 30, 2019
- B. Amherst DSS - Appropriation Request
- C. ACSO Appropriation Request

VII. Special Presentation

- A. Celebrating Sixty Years of the Monelison Volunteer Fire Department
- B. Robert Brown - Virginia Department of Transportation
- C. James River Association - Rob Campbell

VIII. Old Business

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

IX. New Business

- A. Resolution - Supporting the Holiday Lake 4-H Educational Center

X. County Administrator's Report

- A. VACo Conference Proxy
- B. CAC-2 Operation of County Vehicles
- C. Scottish Inn Blight Abatement Ordinance -- First Read
- D. County Fair Funding

XI. County Attorney's Report

XII. Liaison and Committee Reports

XIII. Departmental Reports

- A. Treasurer's Report for the Month of August, 2019

XIV. Citizen Comment

XV. Matters from Members of the Board of Supervisors

XVI. 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 October, 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: None
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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

OTHER STAFF PRESENT: Community Development Director Jeremy S. Bryant

I. Call to Order

Chairman Ayers called the meeting to order at 7:02 p.m.

II. Approval of Agenda

Chairman Ayers amended the Agenda for October 15, 2019 by removing VII. B. Robert Brown - Virginia Department of Transportation and X. D. County Fair Funding.

By motion of Supervisor Tucker and with the following vote, the Board approved the amended Agenda for October 15, 2019.

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

III. Invocation and Pledge of Allegiance

Chairman Ayers led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

John A. Marks Jr. of Madison Heights, Virginia, addressed the Board regarding the proposed changes to the ACSA Board. **(See Attachment 1)**

Mr. Alan Wood of Madison Heights, Virginia, addressed the Board regarding the composition of the Amherst County Service Authority Board. **(See Attachment 2)**

V. Public Hearing

A. Rezoning Request No. 2019-321

Community Development Director Jeremy Bryant presented a rezoning request by William A. Tyree to allow a restaurant at 547 Old Wright Shop Road, and to rezone the parcel from R-2 General Residential District to V-1 Village Center District.

Mr. Bryant advised the Planning Commission recommended approval with the following voluntary proffered conditions:

1. Hours of operation: 9am-7pm (Monday – Saturday); Closed on Sunday
2. No alcohol: No alcohol sales on-site.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Campbell and with the following vote the Board accepted the Planning Commission's recommendation to approve the request with the voluntary proffers that have been submitted by the applicant.

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

B. Rezoning Request No. 2019-360

Community Development Director Jeremy Bryant presented a request by the County to rezone property located at 2334 Boxwood Farm Road from A-1 Agricultural Residential District to the P-1 Public Lands District.

Mr. Bryant explained this would allow for a future a solid waste convenience center.

The Public Hearing was opened.

Proponents: Ms. Carol Patterson of Boxwood Farm Road, Amherst, Virginia, addressed the Board and stated she was in favor of the rezoning and closing the open container site.

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Campbell and with the following vote, the Board approved the rezoning request as recommended by the Planning Commission.

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

VI. Consent Agenda

- A. Minutes - September 17 & September 30, 2019
- B. Amherst DSS - Appropriation Request
- C. ACSO Appropriation Request

By motion of Supervisor Tucker and with the following vote, the Board approved the Consent Agenda for October 15, 2019.

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

VII. Special Presentation

- A. Celebrating Sixty Years of the Monelison Volunteer Fire Department

Chairman Ayers thanked all members present and others who have served on the Monelison Volunteer Fire Department providing excellent service over the years.

Chairman Ayers read the resolution and presented a framed copy to the members of Monelison Volunteer Fire Department. **(See Attachment 3 – Resolution 2019-0002-R)**

Chairman Ayers then recognized Supervisor Tucker for ten years of dedicated service in County government on behalf of the Virginia Association of Counties.

~~B. Robert Brown – Virginia Department of Transportation~~

C. James River Association - Rob Campbell

Mr. Rob Campbell of the James River Association updated the Board on activities provided by the Association which included educational trips on the James River for all 7th graders from Amherst County schools.

Chairman Ayers thanked Mr. Campbell for his dedication and appreciated his efforts showcasing the river and making people aware of this resource.

VIII. Old Business

A. Amherst County Service Authority - Articles of Incorporation

County Administrator Rodgers addressed the Board regarding ACSA's Articles of Incorporation and Charter as the last item of the County's business friendliness initiative. He said the makeup of the ACSA Board should include citizens who would offer a broad spectrum of knowledge and a direct channel to ACSA Board members.

Mr. Rodgers reported the County Attorney drafted Articles of Incorporation that included two citizen members to the ACSA Board; one citizen would be added the first year and the second citizen added in the second year.

Mr. Rodgers advised that Supervisor Tucker made proposed changes to the Charter having three citizens on the ACSA Board; one at-large citizen, one citizen from or recommended by the EDA, one citizen from or recommended by the Planning Commission and two current Board of Supervisors.

Mr. Lee Cobb, part-time consultant to the EDA, addressed the Board and voiced his concerns and the need to have additional representation from the business community. **(See Attachment 4)**

ACSA Director Bob Hopkins addressed the Board and spoke in favor of the reorganization. He was in agreement with previous documents supplied in August, however, did not agree with the edits Supervisor Tucker submitted.

Mr. Hopkins acknowledged that ACSA has not provided enough information to the public, which was an issue that needed correction. He said that citizens in charge of the Authority should know what they are doing and thought it would be a poor idea to immediately change from five supervisors to a five-person board where three of those members would be new citizens.

Chairman Ayers expressed his reservations saying that for 65 years the ACSA has provided services to citizen in the southern part of the County. He was in favor of utilizing two citizens and supported what was proposed initially.

Supervisor Tucker advised she made edits to the document after talking with people in the community with excellent qualifications to serve on the ACSA Board, including scientists and biologists.

Supervisor Moore commented that the County was not being progressive and wanted to see a change. She agreed with Supervisor Tucker to appoint five citizen members to serve on the ACSA Board.

Chairman Ayers said that adding two citizen members to the Board was a change, however, could not support a complete reorganization of the ACSA Board at this time.

Supervisor Pugh agreed and did not believe a complete reorganization was necessary, however, was agreeable to start with two citizens and three Board members.

Vice-Chair Campbell agreed to add two citizen and three Board members.

Supervisor Tucker suggested appointing two citizens and three Board members and then revisiting this in the future.

Chairman Ayers and Supervisor Pugh agreed that two citizens should be ACSA customers as part of the ASCA Board.

Supervisor Moore said that customers in District 5 should be the majority on the ACSA Board and was agreeable have a citizen take her seat on the ACSA Board.

Mr. Lockaby advised that changes to Articles of Incorporation is a 3-4 month process once the Board agrees. He said the Charter can be changed by the Board at any time.

Mr. Lockaby said if this is deferred by the Board until December, changes should not be made for a while. Before the Articles of Incorporation can go into effect it would be necessary to advertise for a public hearing and have the Articles filed with State Corporation Commission. He advised if adopted the third week of November, he would be able to get those to the State Corporation Commission by the end of the year. If the Articles are adopted the third week in December, the appointments would not happen until January 7, 2020.

Supervisor Tucker said the Board should appoint two citizen members in January. Both Chairman Ayers and Supervisor Pugh were in agreement.

By motion of Supervisor Pugh and with the following vote, the Board directed staff to make amendments and to present the modified articles and charter for consideration in November 2019.

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

B. Amherst County Service Authority Board Charter

IX. New Business

A. Resolution - Supporting the Holiday Lake 4-H Educational Center

Mr. Preston Willson of the Holiday Lake 4-H Educational Center addressed the Board asking for a resolution of support to assist the solicitation for funding from the General Assembly. He advised he has asked all of those localities that use this camping facility for the same support.

By motion of Chairman Ayers and with the following vote, the Board adopted Resolution 2019-0017-R as presented.

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

X. County Administrator's Report

A. VACo Conference Proxy

County Administrator Rodgers reported that he, along with Supervisor Tucker and Community Development Director Jeremy Bryant, will be attending the VACo Annual Conference in November 2019.

It was the Board's consensus to appoint Mr. Bryant as the Board's representative at the VACo conference and that he will serve with an undirected proxy.

B. CAC-2 Operation of County Vehicles

County Administrator Rodgers reported on a change to HR Regulation 18.6. that will allow the building inspectors to drive County vehicles to and from their homes for purposes of traveling to inspection sites within the County.

By motion of Vice-Chair Campbell and with the following vote, the Board endorsed the addition to HR Regulation section 18.6.1 as reported.

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

B. Scottish Inn Blight Abatement Ordinance -- First Read

County Administrator Rodgers advised the Board by his authority made a declaration of blight to Satya Narayan, owner of the property located at 4512 South Amherst Highway, Madison Heights, Virginia.

He reported this was based on violations from 2013 forward including various health code and zoning requirement violations. He advised the owner has been notified to provide a blight abatement plan to the County within 30 days.

Mr. Rodgers stated that it was originally intended to have a County ordinance addressing spot blight, however, the owner is now working to rectify the matter.

Mr. David Hawkins of Overby, Hawkins, and Wright, legal counsel for the owner, addressed the Board and expressed his appreciation regarding the Board's decision to work with the owner.

Chairman Ayers said the Board is willing to work with the owner and reiterated this matter required immediate correction, and therefore moved to defer further action until the next meeting.

By motion of Chairman Ayers and with the following vote, the Board deferred further action on this ordinance until the next Board meeting.

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

~~D. County Fair Funding~~

XI. County Attorney's Report

County Attorney Lockaby reported he anticipated the Comcast Cable Franchise Agreement would come before the Board as a potential ordinance before the end of the year.

He also reported a recodification of State Code dealing with land transfers and lawful fences makes it necessary to bring to the Board several ordinances that address these issues by year's end.

XII. Liaison and Committee Reports

XIII. Departmental Reports

A. Treasurer's Report for the Month of August, 2019

For information only.

XIV. Citizen Comment

There was no public comment.

XV. Matters from Members of the Board of Supervisors

Supervisor Tucker had no matter to discuss.

Supervisor Moore had no matter to discuss.

Supervisor Pugh asked why the County Fair Funding was removed from the agenda. Chairman Ayers advised the Agricultural Committee was asked to bring this matter back at a later date.

Vice-Chair Campbell had no matter to discuss.

Chairman Ayers had no matter to discuss.

XVI. Adjournment

By motion of Vice-Chair Campbell and with the following vote, the Board adjourned at 8:38 p.m.

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



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



Dean C. Rodgers, Clerk

Presentation to the BOS Regarding
Proposed changes to the Amherst County Service Authority
Board of Directors

10/15/19

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.

I would like to address the agenda item VIII. B under Old Business dealing with the proposed changes to the Service Authority Board.

For the past 65 years the Board of Directors (BOD) for the Amherst County Service Authority has been the elected supervisors (BOS). In 2018 the current BOS/BOD directed the Service Authority Director and the County Attorney to work on a reorganization plan for the Service Authority BOD. The intended purpose was to restructure the Service Authority BOD so as to provide for citizen appointees.

In accordance with the directive from the BOS/BOD the County Attorney and the Service Authority Director prepared a new Charter for the Service Authority BOD. Under this plan the Service Authority BOD would consist of "a maximum of five (5) individuals. The Board shall consist of three (3) to five (5) elected County Supervisors and a maximum of two (2) citizen members appointed by the Board of Supervisors, should one or two elected Supervisors choose not to serve also on the Board." This plan seemed acceptable to accomplish the stated goal, and I would support this plan with one exception. It should be mandatory for the District 4 and District 5 elected supervisors to be members of the Service Authority Board of Directors. The number of Service Authority clients in District 4 is probably 80% and in District 5 that number elevates close to 100%. Together these two districts comprise approximately 65% of the total Service Authority clients. For

the plan not to specifically require that these two supervisors be members of the Service Authority Board of Directors and represent their constituents in this matter is not good government.

After the revised Charter was presented to the BOS/BOD for review there were comments/edits from one supervisor. The first edit proposed that the Service Authority BOD be composed of seven members, two elected supervisors, 3 citizen members, one member of the Planning Commission and one member of the Economic Development Authority. A subsequent edit has a five- member board, 2 elected supervisors, one member of the Planning Commission, one member of the EDA, and one citizen at large. The original proposal has a recommendation that citizen appointees “should be water and/or sewer customers of the Service Authority.” This last proposed edit strips this recommendation. Since this edit proposal recommends only one citizen member, and that member being an at large member, this means the Service Authority Board of Directors could be made up of a majority of members that are not clients of the Service Authority, which defeats the stated purpose of the reorganization. I may be wrong, and I hope I am, but on the surface, it appears these provided edits move in the direction of a takeover of the Service Authority so it can be used for economic development, or some other purposes, which will result in the clients paying for the system losing all control. If that happens, I am in agreement with the Director’s comments that rates will accelerate at a rapid pace, and which of our citizens will be impacted most by an escalation of these rates. Based on the latest county profile 21% of our citizens are 65 years and older, which means they are more likely to be living on a fixed income. In addition, 25% of our citizens receive some form of assistance from the Department of Social Services.

In closing I encourage the Board to select one of the following options:

1. Leave the Service Authority Board composition as it is currently

structured, or 2. Accept the Attorney/Director's proposal with District 4 and 5 supervisors as mandatory members.

Thank you for your time.

Board of Supervisors

October 15, 2019

Good evening.

Alan Wood / 297 Berg Drive / Madison Heights

Thank you for this opportunity to speak. I noted that later this meeting you will address the composition of the Amherst County Service Authority Board. I have some comments to share on this matter.

I support the original proposed changes after corrections of some typos and with one notable change. Under Section 8.6 of the proposed Charter is a statement that says in part "... citizen appointees should be water and/or sewer customers of the Service Authority." For reasons I will explain further, I suggest that this language should state "... citizen appointees **must** be water and/or sewer customers of the Service Authority."

After reading the documents provided and considering the alternative proposal that was presented by a member of the Board, it becomes clear that ACSA's Board is unlike any other we have in Amherst County government. ACSA doesn't serve all citizens and it is funded by those citizens it serves.

Allow me to step back into the proposed Charter and highlight the language of Section 2.1. which states in part "Amherst County Service Authority functions financially as a self-supporting enterprise fund, with user fees as its revenue source." The assets accumulated by ACSA resulted from funds provided by its customers. While Amherst County as a whole owns ACSA, its customers provide its funds and are, in essence, its members or shareholders.

The best and most appropriate role for ACSA in attracting business and residential development is to provide the highest quality service at the lowest possible cost for its customers. A Board comprised of as many ACSA customers as possible is one with the greatest vested interest in this result and is, therefore, the most qualified to help attain this result.

Any approach, however well-intentioned, that creates an ACSA Board in which potentially none of the Board members would be a customer of the ACSA, as the alternative proposal does, is unfair to ACSA's customers and, frankly, undemocratic. Essentially, those Amherst County citizens who are ACSA

customers would be subjected to taxation without representation – violating a founding principle of these United States of America.

I appreciate your efforts to improve the Amherst County Service Authority and hope that you will find these comments helpful as you finalize your work on this important task.

Thank you for your consideration.



Amherst County Board of Supervisors
County Commemorative Resolution No. 2019-0002-CR

For consideration on October 1, 2019

A COMMEMORATIVE RESOLUTION, NO. 2019-0002-CR

Commemorating and celebrating the Monelison Volunteer Fire Department's Sixty Years of service to
Amherst County.

Approved as to form by the County Administrator

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
AMHERST, VIRGINIA:**

I. That the Amherst County Board of Supervisors expresses its profound thanks to the Monelison Volunteer Fire Department for its dedicated and unstinting sixty years of service to Amherst County, as follows:

WHEREAS, the Monelison Volunteer Fire Department ("MVFD") was founded and first met on July 22, 1959, in the Phelps Road School; and

WHEREAS, the City of Lynchburg notified Amherst County that it would no longer be able to provide fire services to the Madison Heights, Virginia, area anymore; and

WHEREAS, in June 1961, the MVFD ran its first three calls out of the new Station 1 on Amer Circle and still operates out of this station today; and

WHEREAS, the MVFD's service started with a used gasoline tanker converted to carry 3800 gallons of water and a 1959 International Pumper which is still housed at this station as the first fire apparatus; and

WHEREAS, thirty members first started the MVFD, and their training was conducted with the Lynchburg Fire Department; and

WHEREAS, the firemen were also trained in standard first aid and CPR but, just a few firemen had these additional certifications; and

WHEREAS, in 1980 the station was updated, and the upstairs was converted from an open space to offices and a classroom; and

WHEREAS, the MVFD currently has twenty-one members, running more than six hundred calls a year, and assists with Emergency Medical Service calls for Amherst County; and

WHEREAS, on September 7, 2019, the MVFD celebrated sixty years of dedicated service to Amherst County with food, music, equipment demonstrations, history of the department and fellowship with over seventy-five personnel in attendance.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF AMHERST:


That the Amherst County Board of Supervisors hereby recognizes and commends the Monelison Volunteer Fire Department for its selfless, exceptional service and dedication to Amherst County, its citizenry, and friends.

BE IT FURTHER RESOLVED:

That the Clerk of the Board of Supervisors is directed to prepare a copy of this Resolution for presentation to the Monelison Volunteer Fire Department as an expression of the Board's appreciation for the Department's unflinching dedication and generous commitment to the citizens of Amherst County in their most vulnerable moments of loss and disaster.


II. That this resolution shall be in force and effect upon adoption.

Adopted this 1st day of October, 2019.



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

ATTEST:



Dean Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions 0

SUMMARY – EDA RECOMMENDATION TO REORGANIZE ACSA BOARD OF DIRECTORS

October 11, 2019

In 2018, the Economic Development Authority (EDA) undertook the development of specific recommendations to help make the Amherst County Service Authority (ACSA) more business-friendly as part of the Amherst County Business Friendliness Initiative. The need for the ACSA to be more business-friendly had been identified as a major requirement in the economic development strategic plan as a consequence of (1) suggestions/comments by business people to EDA's consultant, Lee Cobb, since beginning his work for EDA in 2011, (2) two written surveys to the general public during the 2015-2018 period, (3) one-on-one interviews with government and business leaders during development of the strategic plan in 2017 (4) two county-wide public meetings in 2017, (5) coordinating strategic plan development with the Planning Commission and (5) and guidance from the strategic planning development steering committee composed of builders, realtors, developers and similar individuals. Further, as specific recommendations for the ACSA were being developed by EDA, several additional interviews/meetings were conducted with local persons interested Amherst County development and the director of ACSA, and representatives of service authorities of three surrounding counties were interviewed to determine their experiences and practices from which the ACSA might benefit.

A number of ideas arose from this process such as more intensive efforts at public relations, less costly availability fees, better appearance of the existing office or a new facility, and increased flexibility when dealing with staff. **However, one "theme" dominated others, particularly but not exclusively, from those making larger investments in the development of Amherst County. This was the idea that there should be some form of private-sector representation on the Service Authority board.**

This concept recommended by the EDA to the Board of Supervisors is supported by several key points emanating from the process described in paragraph 1 above as follows:

1. There is opinion in the development and real estate communities that suggestions made to ASCA staff and board members either are not communicated or fully explained to the entire board. Consequently, these suggestions are rarely considered for action. If those using ASCA services and other county taxpayers have representation on the board, there will be a higher degree of trust that such ideas are communicated directly and with accuracy to the full board.
2. Business people, engineers, accountants, customers, etc. have a broad spectrum of knowledge and experience that can be applied to the planning and operations of the ACSA. Combining their expertise with that of the supervisors serving on a reorganized ACSA board can bring a new, creative perspective to the organization making it more effective for everyone involved.
3. Private sector representation will not only serve to offer a direct channel for submitting ideas to the Authority, but it will also offer the opportunity to use the new members to communicate the opportunities and limitations placed on the ACSA by government regulation and finances.

For the reasons above and the fact that representatives of three surrounding service authorities maintain that their experiences more than validate private sector membership, the EDA strongly recommends this for the ASCA. This will, in essence, not be an abdication by the supervisors; but it will be a partnership that can creatively find approaches to matters of public information/perception, flexible and financially feasible rate schedules, policies governing actions of ACSA, and other initiatives that are not competitive with but are more complementary to other Amherst County planning and development activities. This will help make Amherst County more business-friendly over the immediate and long terms.