



**BOOK 37**  
**Pages 91-102**



**AMHERST COUNTY**  
**BOARD OF SUPERVISORS**

**Board of Supervisors**

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

**MINUTES**

**April 21, 2020**  
Administration Building - 153 Washington Street -  
Public Meeting Room  
Amherst, Virginia 24521  
Meeting Convened - 7:00 PM

**County Administrator**  
Dean C. Rodgers

**County Attorney**  
Michael W. S. Lockaby

**I. Call to Order**

At a Regular Meeting of the Amherst County Board of Supervisors held on April 21, 2020 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS: Chair Claudia D. Tucker, Vice-Chair Jennifer R. Moore, Supervisor David W. Pugh, Jr., Supervisor Tom Martin and Supervisor L. J. Ayers III.

ABSENT: None

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

Chair Tucker called the April 21, 2020 meeting to order at 7:00 p.m. and advised the Board would be receiving public comment via electronic means.

**II. Approval of Agenda**

By motion of Supervisor Ayers and with the following vote, the Board amended the Agenda for April 21, 2020 and added under IX. County Administrator's Report, Item B. County Fair Report.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**III. Invocation and Pledge of Allegiance**

Supervisor Ayers led the Invocation and Pledge of Allegiance.

#### **IV. Citizen Comment**

Mr. Alan Wood of Madison Heights, Virginia addressed the Board with his concern about the financial impact to businesses due to the pandemic. Mr. Wood provided his comments for inclusion into the minutes. (See Attachment 1)

#### **V. Public Hearing**

### A. Continuity During Emergency Ordinance

County Attorney Lockaby addressed the Board regarding an ordinance to put into place emergency procedures during the pandemic. Mr. Lockaby presented proposed language that would address the core provisions:

- Applies to the Board of Supervisors, School Board, ACSA Board, Planning Commission, and EDA Board.
- Allows 100% electronic meetings of public bodies for the purpose of emergency response.
- Normally, a quorum must physically meet in order to carry on any non-emergency business and those wishing to attend remotely by electronic means must meet the established criteria.
- Meetings on emergency topics may be conducted entirely by remote electronic means. If a non-emergency topic will be discussed, a quorum must then be physically present, and other members of public bodies not wishing or able to be present may call in by electronic means at their discretion.
- Extends the deadline for the first real estate tax payment this year from June 5 to August 5 in order to give the Board more time to set the tax rate.
- Extends the deadline for payment of BPOL, merchants' capital, machinery and tools, and business personal property tax until June 30.
- Extends all land use deadlines, but instructs staff to do the best they can to meet deadlines.
- Gives chairs discretion to schedule meetings at times, places, and manners that will best serve public health.

There was a Board discussion concerning language proposed regarding remittance of transient occupancy tax and deadlines for filing reports and remittances of food and beverage tax.

c. The deadlines for filing of returns and remittances of transient occupancy tax pursuant to Section 14-101 are hereby extended to June 30, 2020, and interest and penalties under Section 14-102 for all remittances that are not currently delinquent are both set to zero (0%) percent per annum from the date of adoption of this ordinance until June 30, 2020; and

d. The deadlines for filing reports and remittances of food and beverage tax pursuant to Section 14-125 are hereby extended to June 30, 2020, and interest and penalties under Section 14-127 for all remittances that are not currently delinquent are both set to zero (0%) percent per annum from the date of adoption of this ordinance until June 30, 2020.

Supervisor Martin questioned why the recommendation was to delay collecting those taxes.

County Administrator Rodgers advised that the Commissioner of the Revenue has proposed this to alleviate pressure on those businesses, however, she does not have the authority to offer that relief, but the Board does.

Supervisor Pugh agreed with Supervisor Martin. Chair Tucker voiced her concern that this may create a problem for small businesses when that money is due at the end of three months.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board approved Ordinance 2020-0004 with the exception of paragraphs c. and d. on page 5 of the ordinance.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**B. COVID - 19 Urgent Need Community Development Block Grant Application**  
EDA Director Victoria Hanson addressed the Board regarding DHCD grants available for small cities, towns and counties to respond to local needs related to COVID-19.

Mrs. Hanson advised that local business Swissomation has accepted two contracts to produce components for ventilators in response to the pandemic. Swissomation is requesting CDBG funding to help with those capital expenditures, which is approximately \$400,000.

Ms. Hanson explained that DHCD requires two public hearings; the first hearing is to announce the new funding and the second hearing addresses the specific grant funding application.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board adopted the attached resolutions requested by DHCD and authorized the County Administrator to execute any other documents needed to finalize the grant application for Swissomation.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

## **VI. Consent Agenda**

By motion of Supervisor Ayers and with the following vote, the Board approved the Consent Agenda.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**A. Minutes - March 17, 2020 and March 23, 2020 Budget Workshops**  
It was moved that the Board adopt the Minutes for March 17, 2020 and March 23, 2020 Budget Workshops.

**B. Appropriation to PPEA Projects - ACPS**  
It was moved that the Board approve the appropriation of the use of left over PPEA funds for the project of installing lights along the walkway from the baseball field to the softball field at Amherst County High school.

**C. Appropriation of Revenue - Commonwealth Attorney**

It was moved that the Board appropriate State Drug Asset Forfeiture Revenue into the Commonwealth's Attorney budget.

**VII. Old Business**

**A. Tire Disposal - Public Works**

Public Works Director Brian Thacker addressed the Board and provided an update to several questions asked by the Board at the last meeting. Mr. Thacker provided information regarding the number of tires received by the landfill and the expense incurred by the County to take those tires to the tire recycling center in Appomattox. He asked for clarification on how to approach the recycling of those tires.

Supervisor Pugh remarked about the traffic backup at the landfill and asked for a solution to this problem or a new route for citizens to use to bring household trash to the landfill.

Supervisor Martin commented that the County is losing money using the current fees and needed to increase those fees.

Vice-Chair Moore said that citizens should either pay extra to bring those tires to the landfill or take their tires to the recycling center in Appomattox.

By motion of Vice-Chair Moore and with the following vote, the Board limited the number of tires delivered to the landfill to 8 tires at one time and 12 for the calendar year per household, with exceptions being made in writing by Public Works as needed, and Public Works shall charge a fee to accept commercial loads of tires (meaning any load above 8 tires at one time) that pays for proper disposal at no cost to the County.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**VIII. New Business**

A. Emergency Action Ratifications - Human Resources

Human Resource Director Linda Warner addressed the Board with regard to the Families First Coronavirus Response Act from the federal government. She explained that some changes needed to be made to policy allowing furloughed employees to maintain their current cost of insurance and not having to go on COBRA with an added expense.

By motion of Supervisor Ayers and with the following vote, the Board ratified the COVID-19 related contract provisions and policy changes made by the County Administrator as reported at this meeting.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

B. Emergency Action Ratification - Public Safety

County Administrator Rodgers addressed the Board regarding Public Safety's need for mask fit testing equipment and why he authorized a draw of funds from the Emergency Services capital fund. Public Safety Director Sam Bryant advised he did not have sufficient mask testing equipment.

Mr. Rodgers explained that the Emergency Services Council had previously discussed providing the funding of \$886.08 from its capital fund account to purchase this equipment. Also, that the Chair of the ESC had been consulted before making the purchase.

By motion of Supervisor Ayers and with the following vote, the Board ratified the emergency appropriation decision of the County Administrator as presented.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

C. Audit and Cost Allocation Services

Finance Director Stacey Wilkes asked the Board for direction to negotiate a contract for audit services and the cost allocation plan. A group was formed including herself, Mr. Hopkins, Mrs. Carden and Mrs. Crouch to review those proposals received .

She advised the group chose Brown Edwards & Company for audit services and Maximus for the cost allocation plan.

By motion of Supervisor Pugh and with the following vote, the Board directed staff to negotiate a contract with Brown, Edwards & Company, PLLC for audit services and with Maximus for the cost allocation plan preparation and return to the Board for approval of the contracts.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**IX. County Administrator's Report**

**A. Boards/Commissions/Committees - Building Appeals Board**

County Administrator Rodgers advised the terms of three members on the Building Appeals Board will expire on April 30, 2020. Mr. Norm Hanson, Mr. Kevin Peterson and Mr. George Nichols all have requested re-appointment to serve additional four-year terms. Staff advertised and received no letters of interest except from those three members.

Chair Tucker stated she was in favor of re-appointing all three members without conducting interviews. The Board was in agreement.

By motion of Supervisor Ayers and with the following vote, the Board reappointed Mr. Norman Hanson District 2, Mr. Kevin Peterson District 3 and Mr. George "Rusty" Nichols, District 4 to the Building Appeals Board.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

Mr. Rodgers addressed the purchase of a fire safe box to store personnel records of the county administrators. He advised the Board that a fire safe box has been obtained, which will fit in the current lock box located in the file room of the County Administrator's front office.

Chair Tucker requested that Board Chair and Vice-Chair each be given a separate key to the fire safe box.

Mr. Rodgers informed the Board that the Coalition For A Cleaner County met and has scheduled a County clean-up day for Saturday, April 24 at 10:00 a.m. Mr. Rodgers advised the gathering at Coolwell Park will be kept to ten people in order to adhere to the Governor's guidelines.

**B. County Fair Report**

Mr. Jeff Floyd, President of the Agricultural Committee addressed the Board. He advised that because of the pandemic and lack of sponsors, it was the committee's recommendation to cancel the County Fair this year.

Supervisor Martin asked about the \$25,000 that was to be paid to the Fair Director.

Chair Tucker said that Mr. Proffitt and Mr. Lockaby would have to look at the contract for guidance.

Mr. Rodgers said that money can be carried over to next year and he would provide the Board a report.



**X. County Attorney's Report**

The County Attorney had no matter to discuss.

**XI. Liaison and Committee Reports**

A. Lynchburg Regional Business Alliance, Exec Bd, April 10, 2020

For information only.

**XII. Departmental Reports**

A. General Fund Availability Report

For information only.

B. Treasurer's Report for February, 2020

For information only.

**XIII. Citizen Comment**

There was no public comment.

#### **XIV. Matters from Members of the Board of Supervisors**

Supervisor Ayers asked for an update on the Burley Hollow dumpster site clean up. Mr. Proffitt advised bids for remediation of all three closed sites have been advertised and are due back by May 10.

Supervisor Martin said it has been approximately a month since the Board discussed the budget deliberations and asked that the Board address this. He also asked about all departments having webcams for electronic meetings. Mr. Rodgers advised that webcams are very scarce but staff can always phone into those meetings.

Chair Tucker supported Supervisor Martin's view and asked that another workshop be scheduled for May 5.

Supervisor Pugh applauded the students, parents and teachers who have put in a lot of work providing educational materials in order to complete this school year.

Vice-Chair Moore commented on the money designated for the County Fair and Fair Director and reiterated that money should not be spent but carried over to next year.

Vice-Chair Moore said she received a call from a concerned citizen who said folks are climbing over the temporary fencing at Riveredge Park and on the rocks which is prohibited.

She understood that Ms. Christian and Mr. Thacker have addressed this issue by installing more signs and repairing the fencing.

Chair Tucker had no matter to discuss.

#### **XV. Closed Session**

- A. 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 public body, specifically relating to ongoing opioid litigation and a tax case brought by T-Mobile Northeast, LLC.

- B. A closed session, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel relating to a personnel contract.

Supervisor Ayers moved that the Amherst County Board of Supervisors convene in 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 public body, specifically relating to ongoing opioid litigation and a tax case brought by T-Mobile Northeast, LLC.; and a closed session, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel relating to a personnel contract.

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

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

AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh, Mr. Martin and Mr. Ayers

NAY: None

ABSENT: None

**XVI. Certification of Closed Session**  
**CERTIFICATION OF CLOSED MEETING**

Supervisor Ayers 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.

Ms. Tucker AYE  
Ms. Moore AYE  
Mr. Pugh AYE  
Mr. Martin AYE  
Mr. Ayers AYE

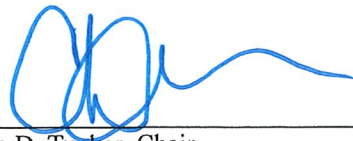
By motion of Chair Tucker and with the following vote, the Board authorized the County Administrator and County Attorney and our outside litigation team to put in a claim in the Johnson & Johnson litigation going on in the opioid multi-district litigation in Ohio.

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

**XVII Adjournment**

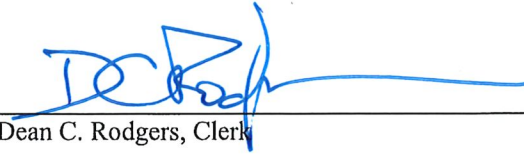
By motion of Vice-Chair Tucker and with the following vote, the Board adjourned at 8:28 p.m.

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



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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors



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Dean C. Rodgers, Clerk

April 21, 2020

*statement delivered orally.*

**ATTACHMENT 1**

Good evening.

Alan Wood / 297 Berg Drive / Madison Heights

As you are aware, the pandemic our county, Commonwealth, and country now face has taken a toll. Many have died and many more have been sickened. While these numbers are fortunately not as great in our county as other places, the financial toll from the shutdown of businesses and many activities has affected Amherst citizens as much or more as those of other localities. This is particularly true given that so many of our neighbors already struggled with their normal living expenses even before this latest crisis.

In recognition of the expected negative impact on tax revenues, the Governor has announced broad reductions to planned spending by state government. Similarly, neighboring localities have recognized that many of their citizens are under financial duress and have taken steps so as not to add to their hardship.

To date, Amherst County has pushed back the date in which it will make a decision on the budget for the next fiscal year, but has done little else. I urge you to take decisive action now to help the citizens of Amherst as they endure this crisis and as they struggle through the months ahead to recover. To that end, I offer the following suggestions.

1. Immediately freeze hiring for county government.
2. Adjust the budget for Fiscal Year 2021 to eliminate all proposed new county government positions.
3. Immediately freeze compensation at current levels for all county employees.
4. Adjust the budget for Fiscal Year 2021 to eliminate all planned compensation increases for county employees.
5. Direct staff to halt any capital spending not already committed, even if it has been budgeted, until further action by the Board.
6. Eliminate all new capital spending in the Fiscal Year 2021 budget in order to conserve funds for those projects already underway that cannot be halted.

Clearly, we are not going to return to where we were two months ago in the next few months. Given the gravity of the situation the people of Amherst find themselves in, I urge you to take these actions tonight. When conditions improve, there will be an opportunity to revisit spending initiatives proposed by staff. Until that time, the people of Amherst need county government's help to lighten their burdens, not to increase their burdens.

Thank you for your consideration.