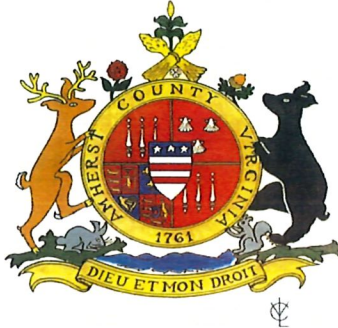


**Board of Supervisors**

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



**County Administrator**  
Dean C. Rodgers

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

**AMHERST COUNTY BOARD OF SUPERVISORS**

**MINUTES**

AGENDA

September 18, 2018  
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. Special Presentation**
  - A. Constitution Week September 17 – 23, 2018
- VI. Public Hearing**
  - A. Pleasant View School Purchase Contract
  - B. Arcadia/Exxon Mobile Remediation Program
  - C. Special Exception Request #2018-297
  - D. Special Exception Request #2018-234
  - E. Ordinance 2018-0003, amending §7-351, Chapter 7 - Licenses, Permits, Business Regulations, And Derelict Structures, Article XII. Derelict Structures, Blight Abatement & Tax Abatements, to the Code of the County of Amherst.
- VII. Consent Agenda**
  - A. Minutes – August 7, 2018
  - B. Minutes – August 10, 2018
  - C. Appropriation of FY 2018 Grant revenue
  - D. Appropriation of Transfer to FY 2018
  - E. Appropriation of Revenue Sheriff's Office
  - F. Mutual Aid Agreement for Emergency Medical Service
- VIII. Old Business**
- IX. New Business**

- A. FY 2020 Budget Calendar
- X. County Administrator's Report**
  - A. County Administrator Change (CAC) to Regulation 7 – Purchasing Manual
  - B. Project Status Report
- XI. County Attorney's Report**
- XII. Liaison and Committee Reports**
  - A. Blue Ridge Regional Jail Report
- XIII. Departmental Reports**
  - A. Superintendent of Schools Report
  - B. July 2018 Treasurer's Monthly Report
- XIV. Citizen Comment**
- XV. Matters from Members of Board of Supervisors**
- XVI. Closed Session**
  - A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.
- 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 18<sup>th</sup> day of September, 2018, at 7:00 p.m., the following members were present:

### **BOARD OF SUPERVISORS:**

PRESENT:	Claudia D. Tucker, Chair L. J. Ayers, III, Vice-Chair David W. Pugh, Jr., Supervisor (arrived at 7:02 p.m.) Kenneth M. Campbell, Supervisor Jennifer R. Moore, 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; and Executive Assistant Regina M. Rice

OTHERS PRESENT: Ms. Anne Neff and Ms. Mary Mays, DAR  
Damien Cabezas, CEO, Horizon Behavioral Health  
Planning/Zoning Director Jeremy Bryant

### **I. Call to Order**

Chair Tucker called the meeting to order at 7:00 p.m.

### **II. Approval of Agenda**

Chair Tucker amended the Agenda for September 18, 2018 as follows: Under V. Special Presentation, added B. Horizon Behavioral Health – Damien Cabezas; Under VII. Consent

Agenda, A. Minutes August 7, 2018, correction, pg. 559, Business Friendliness, to read “Ms. Hanson provided the Board with a ranking sheet and explanation”; and Under XVI. Closed Session, added B. matter regarding a Sardis Convenience Center and C. matter regarding Winton Country Club.

By motion of Vice-Chair Ayers and with the following vote, the Board approved the amended Agenda for September 18, 2018.

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

Supervisor Pugh joined the meeting at 7:02 p.m.

**III. Invocation and Pledge of Allegiance**

Chair Tucker led the Invocation and Pledge of Allegiance.

**IV. Citizen Comment**

Mr. John Marks, Jr. of Madison Heights, Virginia, addressed the Board and had a question concerning the Town Hall meeting on October 2 regarding the landfill. He asked if someone from Draper Aden Associates will be there to make a presentation and answer questions.

Chair Tucker stated that Draper Aden Associates will be present to answer questions.

**V. Special Presentation**

A. Constitution Week September 17 – 23, 2018

Ms. Anne Neff and Ms. Mary Mays addressed the Board regarding Constitution Week September 17-23, 2018.

By motion of Vice-Chair Ayers and with the following vote, the Board adopted the Daughters of the American Revolution County Proclamation designating Constitution Week September 17 – 23, 2018.

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

Chair Tucker then read the proclamation.

B. Horizon Behavioral Health – Damien Cabezas, CEO

Mr. Cabezas addressed the Board and presented an overview of the services that Horizon Behavioral Health provides to the community. Mr. Cabezas thanked the Board for their continued support.

**VI. Public Hearing**

A. Pleasant View School Purchase Contract

County Administrator Rodgers addressed the Board regarding the sale of Pleasant View School.

Mr. Rodgers said the County made an effort to find other buyers by using the EDA and other avenues of marketing. The only offer received was from Mr. Tommy Lloyd who owns land around the school and has offered \$250,000 for the property.

Mr. Rodgers said the property was assessed in 2014 at \$3,047,100. It was necessary to have a professional appraisal of the school, which valued it at \$170,000.

The Public Hearing was opened.

Proponents:

Mr. Alan Wood of Madison Heights Virginia, addressed the Board and supported the proposed sale of this property to the Lloyd family. He also commented that if the Board approved the sale, he asked that the Board give some of those funds back to the schools.

Mr. Jeffrey Floyd of Amherst, Virginia, addressed the Board and said he was raised in that community and has known Mr. Lloyd for years as a farmer, business man and community leader. Mr. Floyd said he supported the proposed sale of the school property to Mr. Lloyd.

Opponents: None

The Public Hearing was closed.

Supervisor Pugh agreed with Mr. Floyd and said he believed it would be very good for the school to go to the Lloyd family.

Vice-Chair Ayers thanked the Lloyds for taking the school property and keeping it a special place.

Supervisor Campbell expressed his appreciation to the Lloyds.

Chair Tucker expressed her appreciation that the school property would be going to the Lloyd family.

By motion of Vice-Chair Ayers and with the following vote, the Board approved the disposal of the Pleasant View School property as proposed in the attached land purchase agreement and authorized the County Administrator to execute the agreement.

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

Mr. Tommy Lloyd expressed his appreciation to the Board and thanked the County for working with him.

Mr. Rodgers said the issue will now be how to dispose of the money and to make sure that money is spent again on another public purpose, and the money would not roll back into the general fund.

Supervisor Pugh remarked that Mr. Alan Wood made a good point about the school property proceeds being put back into the capital improvement fund for the school system. He also commented on the \$50,000 that is currently in the County's budget and asked the County Administrator bring back proposals to see if that would be feasible.

Mr. Rodgers advised he has approached bond counsel and that money would go back to the schools. He said he would bring this matter back to the Board.

B. Arcadia/Exxon Mobile Remediation Program

County Attorney Lockaby addressed the Board and explained this is to grant a uniform environmental covenant for the property that was a former fertilizer plant. Exxon Mobil was the successor to the fertilizer manufacturer and cleaned up the property. This work was certified by independent engineers and by the DEQ.

The County has agreed that this portion of the property will never be used as residential property. Exxon Mobil and the DEQ agreed that if any further problems occur, Exxon Mobil will be responsible to clean it up and DEQ has the right to inspect. This property is currently used as a trail

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Ayers and with the following vote, the Board authorized the Chair to sign the UECA Environmental Covenant and the Certification of Satisfactory Completion of Remediation.

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

NAY: None

ABSENT: None

C. Special Exception Request #2018-297

Planning/Zoning Director Bryant addressed the Board and provided information regarding a special exception submitted by Edward Dillard, Jr. to allow breeding, raising and training of dogs. Mr. Dillard has operated under a state kennel license and he has an existing 10x10 outdoor kennel with no proposed changes. This property is 1325 Sugar Hill Tunnel Road, Amherst, Virginia.

Mr. Bryant advised that on August 16, 2018, the Planning Commission recommended approval with three conditions:

1. Number of dogs: No more than 20 dogs shall be kenneled at the facility at any one time.
2. Noise: No animal shall howl, bark, white, meow, or make other such noises which are plainly audible on the property of another person and which occur repeatedly or continuously for a period of thirty (30) minutes or more in duration.
3. Home Occupation: Applicant shall abide by Section 905.02.3 of the home occupation ordinance, which states, "The home occupation shall not generate excessive traffic nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area."

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

Vice-Chair Ayers stated he had received phone calls from citizens in that community with questions about the kennel. He had contacted the Animal Control Officer who maintains Mr. Dillard's kennel license, however, that officer was not available.

Vice-Chair Ayers motioned to table this issue until he had the answers to his questions.

By motion of Vice-Chair Ayers and with the following vote, the Board tabled Special Exception 2018-297.

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

Chair Tucker asked that this issue be put back on the upcoming Board Agenda.

D. Special Exception Request #2018-234

Planning/Zoning Director Bryant reported this request by Delores Schrock is to allow a short term tourist rental of a dwelling located at 389 Mountain Top Drive, Tax Map No. 46-2-12 and located in the A-1 Agricultural Residential District.

Mr. Bryant advised the Planning Commission on August 16, 2018, recommended approval with the following conditions:

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Short Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.

The Public Hearing was opened.

Proponents: None  
Opponents: None

The Public Hearing was closed

By motion of Supervisor Campbell and with the following vote, the Board approved the request with the conditions recommended by the Planning Commission.

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

E. Ordinance 2018-0003 Ordinance 2018-0003, amending §7-351, Chapter 7 - Licenses, Permits, Business Regulations, And Derelict Structures, Article XII. Derelict Structures, Blight Abatement & Tax Abatements, to the Code of the County of Amherst.

Planning/Zoning Director Bryant addressed the Board and regarding Ordinance 2018-0003, which would reduce the cost of building and demolition permits and offer tax abatement for

rehabilitation. This ordinance will assist in eliminating blighted structures, therefore, enhancing the opportunity for redevelopment.

Mr. Bryant advised that the property owner can request taxes to be abated for a period of not less than 15 years, and is transferable with the property.

Mr. Bryant said the Planning Commission recommended approval of the ordinance on July 19, 2018.

Chair Tucker questioned the language of “not less than 15 years”.

Mr. Bryant said the “15 years” is dictated by state code.

County Attorney Lockaby explained that if the building is derelict, the property owner would have a plan to correct the blight and would be eligible for reduced taxes on the property for 15 years.

The Public Hearing was opened.

Proponents: None  
Opponents: None

The Public Hearing was closed

Supervisor Pugh stated that the Board of Supervisors and Planning Commission worked on this ordinance and he believed it is a good step in the right direction. Supervisor Pugh commended all who worked on this ordinance.

By motion of Supervisor Pugh and with the following vote, the Board accepted the recommendation by the Planning Commission and adopt Ordinance 2018-0003.

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

**VII. Consent Agenda**

- A. Minutes – August 7, 2018
- B. Minutes – August 10, 2018
- C. Appropriation of FY 2018 Grant revenue
- D. Appropriation of Transfer to FY 2018
- E. Appropriation of Revenue Sheriff's Office
- F. Mutual Aid Agreement for Emergency Medical Service

By motion of Vice-Chair Ayers and with the following vote, the Board approved the Consent Agenda for September 18, 2018.

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

**VIII. Old Business**

**IX. New Business**

A. FY 2020 Budget Calendar

County Administrator Rodgers advised the Board has been provided the proposed calendar for FY2020, and it has also been coordinated with the Treasurer and Schools.

By motion of Supervisor Pugh and with the following vote, the Board adopted the proposed budget development schedule.

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

**X. County Administrator's Report**

A. County Administrator Change (CAC) to Regulation 7 – Purchasing Manual

County Administrator Rodgers explained to the Board that two changes of the Purchasing Manual have been made; 1) the County Administrator has the authority to make needed changes to Regulation 7 - Purchasing Manual, and 2) small purchase amounts of \$1,000 be increased to \$2,500, and will no longer require a requisition.

Mr. Rodgers advised this is for information only and no action is necessary by the Board.

B. Projects Status Report

For the Board's information only.

**XI. County Attorney's Report**

County Attorney Lockaby advised the Board he is working on an ordinance and set of policies for property management to clarify to citizens the use of County property.

Mr. Lockaby said he is working with the Sheriff's Office who has asked for an ordinance relating to parades, demonstrations and unlawful assembly or riots. The first draft will come back to the Board once he receives comments from Mr. Rodgers and Captain Grieser.

Mr. Lockaby advised he met with Jeremy Bryant and identified three items the County can simplify for citizens and businesses within the scope of the County's zoning ordinance.

**XII. Liaison and Committee Reports**

A. Blue Ridge Regional Jail Report

For the Board's information only.

**XIII. Departmental Reports**

A. Superintendent of Schools Report

Dr. Rob Arnold addressed the Board, thanking Sheriff Viar and Public Safety Director Bryant and the VDOT staff during Hurricane Florence by providing information on road conditions and making it safe for the community.

Dr. Arnold expressed his congratulations on the success of the County Fair. He remarked that the school transportation department and bus drivers moved approximately 15,000 fair goers from the parking lot to the fair grounds and publicly thanked his folks for their assistance.



Dr. Arnold advised the Board of the District 2 seat vacancy on the School Board. Ms. Cumby has submitted her resignation with a term running through 2020. He explained the need to appoint an interim replacement. Letters of interest will be due by September 28 and interviews will be conducted on October 11. He anticipates making a decision on that date.

Dr. Arnold reported that enrollment has increased and is up to approximately 100 students, which will have good implications on the school's budget.

Dr. Arnold advised that Mr. Maddox is conducting a CT Advisory meeting today at 5:30 p.m. at Amherst County High School to engage businesses and industries to provide students with opportunities for job shadowing and internships.

B. July 2018 Treasurer's Monthly Report

For Board information only.

C. Robert E. Lee Soil and Water Conservation District Report

For Board information only.

**XIV. Citizen Comment**

There was no public comment.

**XV. Matters from Members of Board of Supervisors**

Supervisor Moore had no matter to discuss.

Supervisor Campbell had no matter to discuss.

Supervisor Pugh had no matter to discuss.

Vice-Chair Ayers had no matter to discuss.

Chair Tucker said that Senator Peak and Delegate Garrett asked if the Board would be having the annual meeting to talk about the legislative agenda.

It was the Board's desire to participate with the School Board and the legislative officials in a joint meeting.

Chair Tucker asked the County Administrator to schedule this meeting.

**XVI. Closed Session**

A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator; and

B. A 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 a property available for a Sardis Convenience Center.

Supervisor Moore moved that the Amherst County Board of Supervisors convene in closed session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to

evaluate the performance of the County Administrator; and 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 Sardis Convenience Center property.

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

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

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

#### **CERTIFICATION OF CLOSED MEETING**

Supervisor Moore 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.

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

C. 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.

Supervisor Moore moved that the Amherst County Board of Supervisors convene in 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.

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

The record reflects that Vice-Chair Ayers recused himself from Closed Session Item C. specifically relating to the Winton Country Club property.

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

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

**CERTIFICATION OF CLOSED MEETING**

Supervisor Moore 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.

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

**XVII. Adjournment**

By motion of Supervisor Moore and with the following vote, the Board adjourned at 9:15 p.m.

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



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Claudia D. Tucker, Chair  
Amherst County Board of Supervisors



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Dean C. Rodgers, Clerk