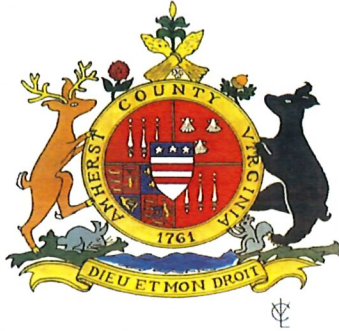


Board of Supervisors

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

June 18, 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 of the Board of Supervisors

II. Call to Order of the Planning Commission

III. Invocation and Pledge of Allegiance

IV. Joint Public Hearing

- A. Ordinance 2019-0005, amending Appendix A Section 913 - Route 130 Corridor setback distance to the Code of the County of Amherst.

V. Adjournment of the Planning Commission

VI. Approval of Agenda

VII. Public Hearing

- A. Special Exception Request 2019-175
- B. Special Exception Request 2019-181
- C. Rezoning and Comprehensive Plan Amendment Request

VIII. Ordinance - First Reading

- A. Ordinance 2019-0006, amending § 12-26 – Prohibited uses of parks of Chapter 12, Article I – In General, to the Code of the County of Amherst to allow swimming, boating or fishing in designated swim areas.

IX. Citizen Comment

X. Consent Agenda

- A. Minutes - May 21, 2019
- B. Appropriation - Treasurer's Budget
- C. Appropriation - Learning Lane
- D. Amherst County Sheriff's Office Appropriation

XI. Old Business

- A. Unfunded Mandate Reaction

XII. County Administrator's Report

- A. Projects Status

XIII. County Attorney's Report

XIV. Departmental Reports

- A. Treasurer's Monthly Report

XV. Citizen Comment

XVI. Matters from Members of the Board of Supervisors

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 18th day of June, 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	ABSENT: Claudia D. Tucker, Supervisor
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STAFF PRESENT: County Administrator Dean C. Rodgers
Deputy County Administrator David R. Proffitt
County Attorney Michael W. S. Lockaby
EA Clerk to Board Regina M. Rice

OTHERS PRESENT: Recreation & Parks Director Sara Lu Christian

PLANNING COMMISSION:

PRESENT: Derin Foor
Michael Martineau
Beverly Jones
Catherine Gamble
Michael Bryant
EDA Liaison Edward Kinnier
Community Development Director Jeremy Bryant
Clerk to Planning Commission Stacey Stinnett

I. Call to Order of the Board of Supervisors

Chairman Ayers called the meeting to order at 7:01 p.m.

II. Call to Order of the Planning Commission

Chairman Foor called the meeting to order at 7:00 p.m.

III. Invocation and Pledge of Allegiance

IV. Joint Public Hearing

- B. Ordinance 2019-0005, amending Appendix A Section 913 - Route 130 Corridor setback distance to the Code of the County of Amherst.

Community Development Director Jeremy Bryant explained that the Planning Commission and Board of Supervisors are holding a joint public hearing to receive comments on amending the setback distance along a portion of Route 130 (Elon Road) that is proposed in Ordinance 2019-0005.

Mr. Bryant explained three options that would reduce setbacks on the Route 130 corridor.

The Planning Commission opened its public hearing

The Board of Supervisor opened its public hearing

Proponents:

Mr. Bill Wise of Monroe, Virginia, addressed the Board and spoke as a citizen and not as the Vice-Chair of the Board of Zoning Appeals. Mr. Wise stated he was in favor of Option 3 which would reduce the building setback for new construction on the northern side of Elon Road from current 100 feet to 60 feet between Graham Creek Road and Nottaway Drive.

Mr. Allen Nixon, representative of Wall Construction, addressed both Boards and explained why the temporary porch was placed on the front of the building. He said the porch would be removed if both Boards did not grant the variance.

Mr. Allen Nixon of Monroe, Virginia spoke to both Boards as an Amherst County citizen. He said he was in favor of a setback request which would help the community and the Ruritan Club.

Mr. Barry Tucker, President of the Elon Ruritan Club, thanked the Planning Commission and Board of Zoning Appeals for hearing the variance request and thanked the Board of Supervisors for taking up this issue at tonight's meeting.

Mr. Tim Fuller, owner of Fuller Construction stated he was currently purchasing a piece of property in the area that has a setback of 56 feet off the road. He asked that the Planning Commission and Board of Supervisors to consider the sixty (60) foot option.

Opposition:

Mr. Harvey Nixon of Elon, Virginia addressed both Boards and said he had no preference but asked that the Boards choose one of the three options tonight.

Mr. John Oblinger, Vice-President of the Elon Ruritan Club, requested both Boards consider one of the three options.

The Public Hearing was closed by the Planning Commission and by the Board of Supervisors.

Planning Commissioner Martineau commented that he visited the area and agreed that the sixty (60) foot Option 3 was the best choice.

Planning Commission members Michael Bryant and Catherine Gamble agreed.

Chairman Foor stated he was in favor of leaving the ordinance as it is.

Planning Commission member Jones moved to support Option 3- Building setback for new construction on the northern side of Elon Road reduced from current 100 feet to 60 feet between Graham Creek Road and Nottaway Drive, that other setback lines on Elon Road remain the same. She recommended that Option 3 move forward to the Board of Supervisors. The vote was affirmed by the following Planning Commission members:

AYE: Mr. Martineau, Ms. Jones, Ms. Gamble and Mr. Bryant
NAY: Mr. Foor

Chairman Ayers thanked everyone who came to comment and the Planning Commission for providing an option that works for everyone.

By motion of Chairman Ayers and with the following vote, the Board of Supervisors approved the recommendation made by the Planning Commission.

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

V. Adjournment of the Planning Commission

The Planning Commission adjourned to another location.

VI. Approval of Agenda

By motion of Vice-Chair Campbell and with the following vote, the Board approved the Agenda for June 18, 2019.

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

VII. Public Hearing

A. Special Exception Request 2019-175

Community Development Director Jeremy Bryant reported this special exception request by Mr. Tim Wright is to erect a sign located at 101 Williams Road for an apartment complex. The sign would be located at the corner of Route 163 (S. Amherst Highway) and Williams Road.

Mr. Bryant stated on May 16, 2019 the Planning Commission recommended approval with the following condition:

1. Sign: The proposed sign shall not block sight distance and shall be in conformance with all local, state, and federal laws.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

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

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

B. Special Exception Request 2019-181

Community Development Director Jeremy Bryant reported the special exception request by Robert and Holly Fisher is for a short-term tourist rental of a dwelling located at 124 Melville Place.

Mr. Bryant advised the Planning Commission on May 16, 2019 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:

Mr. Robert Fisher, identified as the homeowner at 124 Melville Place, addressed the Board and stated he will be living at the residence and will police the type of people he rents to. He advised he has no intention to disturb the neighborhood and was only seeking short-term tourist rental for additional income. He asked for the Board's approval.

Opponents:

Ms. Ramona Akins of Triple Oaks Circle, Madison Heights, Virginia, addressed the Board stating that she would like that community to remain as it is and was concerned about the additional traffic and parking on Triple Oaks Circle.

Ms. Renee Thrasher of Triple Oaks Circle, Madison Heights, Virginia, addressed the Board and said the street is very narrow and used as a cut through. Speed limit signs are not observed and she is opposed to the additional traffic that will be created by tourist rentals.

Mr. Robert Boswell of Madison Heights, Virginia asked the Board to listen to the previous ladies and their concerns. He said he did not like the ways things have been going on in that subdivision and did not think rental property in that neighborhood would help.

Supervisor Moore asked about the number of occupants allowed for the short-term tourist rental.

Mr. Bryant replied the maximum number of occupants would be two adults per bedroom and all vehicles would park in the driveway or off site. The residence would be required to be in compliance with the drainfields.

Supervisor Pugh commented on short term tourist rentals in residential areas and was opposed to granting the special exception after hearing opposition from the citizens in this community.

Supervisor Moore said that due to the lack of lodging in Madison Heights, she believed short-term tourist rentals would be favorable by bringing in more people to the County.

By motion of Supervisor Moore and with the following vote, the Board approved the special exception request as recommended by the Planning Commission and with an additional condition that the residence is owner-occupied.

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

C. Rezoning and Comprehensive Plan Amendment Request

Community Development Director Jeremy Bryant presented information to the Board regarding a rezoning request by James E. Steuart to rezone approximately 58 acres on Kentmoore Farm Road from R-1 to A-1 to allow placement of a manufactured home on the property.

Mr. Bryant further stated that this request included an amendment to the Future Land Use Map from Public to Agriculture General which is a corresponding amendment to the Comprehensive Plan. He advised the Planning Commission approved both requests on May 16, 2019.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

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

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

VIII. Ordinance - First Reading

A. Ordinance 2019-0006, amending § 12-26 – Prohibited uses of parks of Chapter 12, Article I – In General, to the Code of the County of Amherst to allow swimming, boating or fishing in designated swim areas.

Parks and Recreation Director Sara Lu Christian addressed the Board regarding an amendment to County Code to allow public swimming at Mill Creek Lake.

Ms. Christian advised staff is working on plans to create a specific swimming area with a sand buffer between grass and water. She also advised DGIF requested that no swimming be allowed near the boat dock area.

By motion of Vice-Chair Campbell and with the following vote, the Board directed staff to schedule the proposed ordinance change for a public hearing.

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

IX. Citizen Comment

Mr. Bill Peters of Amherst, Virginia addressed the Board regarding swimming at Mill Creek Lake.

He suggested that the Board do research to see what is out there physically and a written plan of all the activities going on there. He was concerned about the limited number of parking spaces the physical space available for boaters, swimmers and trailers.

Mr. Michael Bryant Madison Heights, Virginia addressed the Board stating he as in favor of allowing swimming at Mill Creek Lake. He said he would like to see swimming allowed at Monacan Park which would benefit the County as well.

County Administrator Rodgers clarified that the draft ordinance opens the entire lake at Mill Creek for swimming and that boats and fisherman are not allowed in the designated swimming area.

Chairman Ayers said that the parking area will need to be addressed.

X. Consent Agenda

- A. Minutes - May 21, 2019
- B. Appropriation - Treasurer's Budget
- C. Appropriation - Learning Lane
- D. Amherst County Sheriff's Office Appropriation

By motion of Vice-Chair Campbell and with the following vote, the Board approved the Agenda for June 18, 2019.

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

XI. Old Business

- A. Unfunded Mandate Reaction

It was the consensus of the Board to write a letter to legislators regarding the mandate to fund an additional attorney position for the Commonwealth's Attorney to view body camera film. The Board approved the draft letter but modified the closing to "Respectfully".

XII. County Administrator's Report

- A. Projects Status

County Administrator Rodgers mentioned the Board's Strategic Planning Retreat on August 5, 2019 at Sweet Briar College beginning at 9:00 a.m.

XIII. County Attorney's Report

County Attorney Lockaby reported on requirements to place a general bond referendum on the November ballot for a future YMCA. He said a general obligation bond referendum would be required and a resolution passed 81 days before an election in order to be placed on the ballot.

XIV. Departmental Reports

A. Treasurer's Monthly Report

For information only.

XV. Citizen Comment

XVI. Matters from Members of the Board of Supervisors

Supervisor Moore had no matter to discuss.

Supervisor Pugh commented on Phelps Road School and the lack of activity and deterioration of the building. He asked about the timeline for when the project would begin.

County Administrator Rodgers stated that Dave McCormack has met all requirements and has three years to complete the project. He said that Mr. McCormack has been working with VDOT and plans to begin work this summer.


Vice-Chair Campbell had no matter to discuss.


Chairman Ayers had no matter to discuss.

XVII. Adjournment

By motion of Vice-Chair Campbell and with the following vote, the Board adjourned at 8:32 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