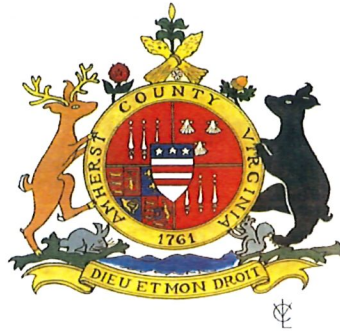


**Board of Supervisors**

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 3, 2019**  
Board of Supervisors  
Administration Building - 153 Washington Street - Public Meeting Room  
Amherst, Virginia 24521  
Informal Luncheon – 12:00 p.m.  
Meeting Convened – 1:00 p.m.

**I. Call to Order**

**II. Approval of Agenda**

**III. Invocation and Pledge of Allegiance**

**IV. Citizen Comment**

**V. Public Hearing**

- A. Grant of Ingress/Egress Easement to Economic Development Authority for Phelps Road School Re-Development Project.
- B. Assignment of Road Maintenance Rights to Central Virginia Planning District Commission

**VI. Consent Agenda**

- A. Minutes - August 6, 2019
- B. Fine Revenue transfer for Animal Shelter and Sheriff's Office
- C. Appropriation Request - Commonwealth Attorney
- D. Opioid Litigation

**VII. Old Business**

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

**VIII. New Business**

- A. Resolution No. 2019-0014-R, Riveredge Trail Extension Project

**IX. County Administrator's Report**

- A. Boards/Commissions/Committees - Quarterly update

**X. County Attorney's Report**

- A. Stormwater Detention Agreement - Abee Manor
- B. Resolution 2019-0015-R, granting SCS Broadband to co-location on Panther Mountain tower

**XI. Liaison and Committee Reports**

- A. Lynchburg Regional Business Alliance, Board of Directors, August 22, 2019
- B. Central Virginia Planning District Commission, Executive Committee Meeting, August 8, 2019

**XII. Departmental Reports**

- A. Department Spotlight - Recreation & Parks
- B. Amherst County Fair Report - Vanessa Angus

**XIII. Citizen Comment**

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

**XV. 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 3<sup>rd</sup> day of September 2019, at 1:00 p.m., the following members were present:

**BOARD OF SUPERVISORS:**

<b>PRESENT:</b>	L. J. Ayers III, Chairman Kenneth M. Campbell, Vice-Chair David W. Pugh, Jr., Supervisor Jennifer R. Moore, Supervisor	<b>ABSENT:</b> 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  
Community Development Director Jeremy Bryant  
Recreation & Parks Director Sara Lu Christian

**I. Call to Order**

Chairman Ayers called the meeting to order at 1:00 p.m.

Chairman Ayers stated Supervisor Tucker was absent at the meeting.

**II. Approval of Agenda**

By motion of Supervisor Pugh and with the following vote, the Board amended the September 3, 2019 Agenda by removing VII. Items A. and B., and adding IX. B. Introduction of Public Information Officer.

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

**III. Invocation and Pledge of Allegiance**

Chairman Ayers led the Invocation and Pledge of Allegiance.

**IV. Citizen Comment**

There was no public comment.

**V. Public Hearing**

A. Grant of Ingress/Egress Easement to Economic Development Authority for Phelps Road School Re-Development Project.

County Attorney Lockaby addressed the Board regarding an ingress/egress easement to the EDA for the Phelps Road School Re-development project by Waukeshaw Development.

Mr. Lockaby explained there are two parcels next to each other; one parcel is the Phelps Road School property and the other parcel is an old softball field and parking lot owned by the County. To access the back parking area of the school property, Waukeshaw Development would need to cross over a piece of that property owned by the County.

Mr. Lockaby advised this easement would remedy the issue.

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 transfer of an access easement to the EDA, as presented.

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

B. Assignment of Road Maintenance Rights to Central Virginia Planning District Commission

County Attorney Lockaby advised a County-owned communication tower on Panther Mountain is located on a tract owned by Bluford Martin and the ingress/egress road crosses over a part of a tract owned by Massie Saunders. The user of that tower is Central Virginia Planning District Commission who has asked if they could periodically perform maintenance to the graveled road.

Mr. Lockaby advised it would be necessary to execute an Assignment of Right to Maintain Road agreement between the County and CVPDC.

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 directed the County Administrator to execute the Assignment of Right to Maintain Road Agreements between the County of Amherst and the Central Virginia Planning District Commission.

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

**VI. Consent Agenda**

- A. Minutes - August 6, 2019
- B. Fine Revenue transfer for Animal Shelter and Sheriff's Office
- C. Appropriation Request - Commonwealth Attorney
- D. Opioid Litigation

By motion of Supervisor Pugh and with the following vote, the Board approved the Consent Agenda for September 3, 2019.

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

Chairman Ayers and Supervisor Moore abstained from voting on the August 6, 2019 Minutes.

**VII. Old Business**

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

Deputy County Administrator Proffitt advised at the last meeting the Board provided names of county citizens to recommend to the Circuit Court Judge for appointment to the Board of Equalization.

Mr. Proffitt advised Mr. Dick Wydner has accepted and agreed to help with soliciting other citizens. He said that persons recommended need to be county citizens, property owners and at least one person be associated with the real estate community.

Mr. Proffitt also asked the Board to consider increasing the stipend for members of the Board of Equalization from \$100.00 per day to \$125.00 per day.

By motion of Supervisor Pugh and with the following vote, the Board approved an increase to compensation for members of the Board of Equalization from \$100 per day to \$125 per day for the 2020 reassessment.

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

**VIII. New Business**

A. Resolution No. 2019-0014-R, Riveredge Trail Extension Project

County Administrator Rodgers advised that VDOT requires a resolution for grant application funding. He also advised that VDOT requires the entire project be completed and that the county has to commit to the entire amount when the it accepts the grant.

Mr. Rodgers said the resolution identifies three sections of trail. The total cost has increased for this project, therefore, the CIP budget will increase by \$431,000 for all projects in the plan.

Supervisor Pugh understood if the grant is received, the county would be obligated for \$605,998. He said he could not commit to that amount of money for a walking trail.

County Attorney Lockaby reminded the Board the fact that the county has applied for the grant does not mean it has to accept it.

By motion of Vice-Chair Campbell and with the following vote, the Board adopted Resolution 2019-0014-R.

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

**IX. County Administrator's Report**

A. Boards/Commissions/Committees - Quarterly update

The Board received a quarterly report on upcoming vacancies September through December 2019.

B. Introduction of Joy Niehaus

County Administrator Rodgers introduced Ms. Joy Niehaus as the new Public Information Officer.

**X. County Attorney's Report**

A. Stormwater Detention Agreement - Abee Manor

Community Development Director Jeremy Bryant explained this issue addresses the roads in Abee Manor subdivision. A stormwater maintenance agreement is required by VDOT for maintaining storm water outside of VDOT's right-of-way. Mr. Bryant said the county has a separate agreement with the developer that outlines the responsibility of the developer regarding stormwater.

County Attorney Lockaby said this will not result in additional liability to the county but addresses stormwater management improvements outside of the right-of-way.

By motion of Vice-Chair Campbell and with the following vote, the Board approved the attached storm water maintenance agreement as proposed.

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

B. Resolution 2019-0015-R, granting SCS Broadband to co-location on Panther Mountain tower

County Attorney Lockaby reported that to expand internet service within the county, SCS Broadband has requested placing its equipment on the Panther Mountain Tower owned by the county.

Resolution 2019-0015-R provides an outline that grants SCS Broadband permission to use this tower in compliance with the PPEA Comprehensive Agreement with the Boardband Authority.

By motion of Vice-Chair Campbell and with the following vote, the Board approve the resolution as presented.

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

Mr. Lockaby addressed the Board on a second matter concerning a request by the County SPCA to the Sheriff's Office asking that the Board amend the animal control ordinance making it a county crime addressing cruelty to animals, failure to take care of animals and abuse of animals.

He advised the Sheriff does not recommend changing the ordinance as it is currently a Class 6 Felony under state law. Currently, the Board of Supervisors can only designate the crime as a Class 1 Misdemeanor.

#### **XI. Liaison and Committee Reports**

- A. Lynchburg Regional Business Alliance, Board of Directors, August 22, 2019
- B. Central Virginia Planning District Commission, Executive Committee Meeting, August 8, 2019

For the Board's information only.

#### **XII. Departmental Reports**

- A. Department Spotlight - Recreation & Parks

Recreation and Parks Director Sara Lu Christian presented an overview of all programs offered by the Recreation and Parks Department.

Chairman Ayers thanked all who have worked to fulfill the recreation needs of the community.

- B. Amherst County Fair Report - Vanessa Angus

Amherst Fair Director Vanessa Angus provided a report on the 2019 Amherst County Fair.

Ms. Angus reported the gross receipts for rides and admission was estimated at \$46,000. She said she would provide a report next month with the final figures. Random surveys were conducted throughout the fair days and the comments received were positive. She thanked all the volunteers, the Board and community for their support.

Chairman Ayers thanked all for the great job even though the heat impacted the fair.

County Administrator Rodgers said he anticipates the County Fair will be held at Winton next year. The contract with Ms. Angus will expire the end of September and we will advertise to identify another Fair Director for next year. He remarked on sharing the expense of that director

with a position in Recreation and Parks to help with marketing when that person is not engaged with Fair work.

**XIII. Citizen Comment**

There was no public comment.

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

Supervisor Tucker had no matter to discuss.

Supervisor Moore had no matter to discuss.

Supervisor Pugh had no matter to discuss.

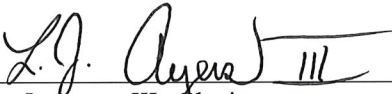
Vice-Chair Campbell had no matter to discuss.

Chairman Ayers had no matter to discuss.

**XI. Adjournment**

By motion of Vice-Chair Campbell and with the following vote, the Board adjourned at 2:00 p.m.

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

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

  
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Dean C. Rodgers, Clerk