



BOOK 37
Pages 232-243



**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

October 6, 2020
Administration Building - 153 Washington Street -
Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 3:00 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 October 6, 2020 at 3:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

Claudia D. Tucker, Chair
Jennifer R. Moore, Vice-Chair
David W. Pugh, Jr., Supervisor
Tom Martin, Supervisor

ABSENT: L. J. Ayers III, Supervisor

STAFF:

Dean C. Rodgers, County Administrator
David R. Proffitt, Deputy County Administrator
Michael W. S. Lockaby, County Attorney
Regina M. Rice, Clerk to Boards

II. Approval of Agenda

By motion of Vice-Chair Moore and with the following vote, the Board approved the agenda for October 6, 2020.

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

NAY: None

ABSENT: Mr. Ayers

III. Invocation and Pledge of Allegiance

Chair Tucker led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Public Hearing

Chair Tucker asked the Board to suspended its Rules of Procedures of 2020 in order to hold a public hearing without having a first read of a proposed ordinance.

By motion of Supervisor Martin and with the following vote, the Board suspended its Rules of Procedure, Section 4-6, to allow a public hearing without a first read of the proposed ordinance.

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

NAY: None

ABSENT: Mr. Ayers

A. Solar Ordinance

Community Development Director Jeremy Bryant presented a proposed solar ordinance, 2020-0012, to allow for solar regulations and small solar facilities as a by-right use.

Mr. Bryant requested that two changes be made to the proposed ordinance:

- 1) Page 5 Section 711 Mixed Use/Traditional Neighborhood Development District - staff recommended only allowing small solar facilities as a by-right use in the Mixed Use District; and
- 2) Page 9 Section 923.05 “development standards apply to all agricultural and utility-scale solar generation facilities:” – staff recommended striking the word “agricultural” as these facilities are for utility-scale solar generation facilities only.

Mr. Bryant advised requirements are in place for wildlife habitat that pertain to larger operations of utility scale projects. He said the ordinance would require a discussion as part of the application process addressing landscaping and fencing for wildlife passages. DEQ and DCR have provided guidance on pollinator plants and species and their importance to agriculture.

Mr. Bryant advised the Planning Commission recommended approval of the ordinance.

Chair Tucker asked if other solar facilities currently located in Amherst County are grandfathered in. Mr. Bryant responded that they are.

Supervisor Martin noted a scrivener’s error on page 10 and asked that it be corrected.

The Public Hearing was opened.

Proponents: Mr. Ryan Peters Sol America, Atlanta, Georgia, addressed the Board and said he was in favor of the ordinance and looked forward to working with Amherst County.

ACSA Director Bob Hopkins addressed the Board and said he was trying to do a solar panel project at the water plant. He said if the proposed ordinance would have any benefit to help that project, he was in favor of the ordinance.

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Martin and with the following vote, the Board adopted Ordinance 2020-0012, as amended with the two noted changes.

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

NAY: None

ABSENT: Mr. Avers

VI. Consent Agenda

By motion of Vice-Chair Moore and with the following vote, the Board approved the Consent Agenda for October 6, 2020.

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

NAY: None

ABSENT: Mr. Ayers

A. Minutes - August 18, 2020

It was moved that the Board adopt the minutes for August 18, 2020.

B. MOU between EDA and Amherst County Finance

It was moved that the Board approve the MOU between the EDA and Amherst County.

C. Planning Commission Charter

It was moved that the Board accept the change as presented to the Planning Commission Charter.

D. Registrar - Center for Tech and Civic Life Grant

It was moved that the Board accept the Center for Tech and Civic Life grant in the amount of \$20,228.

VII. Ordinance - First Read

A. Cigarette Tax Ordinance

County Attorney Lockaby presented a proposed ordinance that is designed to address a new tax authorized by the General Assembly in 2020 to allow counties to adopt a cigarette tax. He advised the proposed cigarette tax would be \$.27 per pack. Businesses would be required to purchase stamps at the Treasurer's Office and then affix a stamp to each pack of cigarettes. Mr. Lockaby said he would make an slight amendment to the proposed ordinance that addresses the definition of a stamp.

By motion of Vice-Chair Moore and with the following action, the Board forwarded the cigarette tax ordinance to public hearing at the Board's second October meeting.

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

NAY: None

ABSENT: Mr. Ayers

VIII. Old Business

A. Public Works List of Projects

Public Works Director Brian Thacker addressed the Board and asked for approval of the prioritized list of projects for Transfer Station funds. **(See Attachment 1)**

Supervisor Martin said he would like to see more convenience centers for citizens and wanted to move the prospective Burley Hollow Convenience Center up on the list.

Supervisor Pugh asked about the Draper Aden study and the \$800,000 for the landfill. He asked what was the plan for using that reserve money and if that money could be used to purchase equipment for the transfer station.

County Administrator Rodgers said he would confer with the Finance Director and return to the Board with that information.

Chair Tucker said she supported a prospective Burley Hollow Convenience Center in the long term plan.

Mr. Thacker advised the Board that money has to be spent within three years. He said it would take time to acquire the land and construct the convenience center and it seemed unlikely this would occur. He said that was the reason for moving this item to the bottom of the list.

By motion of Supervisor Martin and with the following vote, the Board pursued the \$6 million option and moved the prospective Burley Hollow Convenience Center site to position B4 on the Public Works list for Transfer Station funds.

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

NAY: Mr. Pugh

ABSENT: Mr. Ayers

IX. New Business

A. Recruiting Discussion - Public Safety

Public Safety Director Sam Bryant presented the Board with information regarding recruitment of staff for Public Safety. He presented ideas for the Board's consideration and explained the recruitment pool is low and regions across the state are experiencing the same problem. He outlined four proposals that included creating an education incentive; creating a certification incentive; reducing the acceptable recruitment age; and changing shifts from 24 to 12 hours; and/or adding an additional lifesaving crew.

The Board discussed the response time to emergency calls in different areas of the County and asked what would be needed to have units fully staffed. The Board asked Mr. Bryant to bring this matter to the Emergency Services Council for input.

B. Benefits Consultant Service Contract and Related Agreements

HR Director Linda Warner addressed the Board and asked for approval to hire a new benefits consultant for the county. She explained that three interviews were conducted and the evaluation committee (comprising of the County Administrator, Finance Director and herself) chose the Pierce Group.

By motion of Supervisor Pugh and with the following vote, the Board approved the Benefits Consultant Service Contract, Business Associate Agreement, and Enrollment System Client Service Contract with Pierce Group Benefits as presented and authorized the County Administrator to sign the documents.

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

NAY: None

ABSENT: Mr. Ayers

C. Federal Lands Access Program (FLAP) Grant - Balcony Falls

Community Development Director Jeremy Bryant explained that folks who float through Rockbridge and Amherst Counties have found there no adequate place to use as a take-out from the James River.

Mr. Bryant advised that the Friends of the Rivers of Virginia are working with VDOT, CSX and the Forest Service to address this issue. He said a 80/20 match grant to plan for construction would include a new entrance off of Rt. 501, a 25-space parking lot, a trail to the river, a pedestrian tunnel under the CSX railroad tracks and steps down to the river.

Mr. Bill Tangier of the Friends of The Rivers of Virginia addressed the Board and reported that he has received letters of support from VDOT, CSX and the Forest Service. He said the proposal does not require any money from the county at this time and asked for support by the Board. Mr. Rob Campbell of the James River Association addressed the Board and said that fund raising for the project has begun.

Supervisor Martin said he supported this and encouraged those folks to maintain communication with the railroad regarding the tunnel.

By motion of Supervisor Martin and with the following vote, the Board authorized the County Administrator to apply for grant funds from the Federal Lands Access Program for preliminary engineering of the Balcony Falls take-out project.

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

NAY: None

ABSENT: Mr. Ayers

X. County Administrator's Report

A. Designation of VACo Proxy

County Administrator Rodgers advised the Board that VACo's annual conference will held November 9-11 as a virtual meeting. The business meeting is scheduled for November 11 and the Board is required to appoint a voting member to represent Amherst County.

Chair Tucker agreed to serve as the representative for Amherst County at the VACo conference.

By motion of Supervisor Pugh and with the following vote, the Board appointed Claudia D. Tucker to serve as the Amherst County voting representative to the annual VACo meeting.

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

NAY: None

ABSENT: Mr. Ayers

B. Boards/Commissions/Committees - Quarterly update

For information only.

C. Rescheduling November 3, 2020 Meetings

County Administrator Rodgers advised the regular scheduled Board of Supervisors' meeting for November 3 will need to be rescheduled because of the Election Day state holiday.

It was the Board's consensus to reschedule the Board of Supervisors' meeting from November 3 to November 4, 2020, at 3:00 p.m.

D. Resolution 2020-0025-R, Recordation Tax

County Administrator Rodgers advised the proposed resolution would oppose any change to state recordation taxes, which the General Assembly has enacted to reduce those funds to localities. Amherst County would no longer receive a share of this revenue and it would cost the county a loss of \$60,000 in recurring revenue.

Mr. Rodgers stated this resolution expresses the Board's opposition to that change.

By motion of Supervisor Martin and with the following vote, the Board adopted Resolution 2020-0025-R, as presented.

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

NAY: None

ABSENT: Mr. Ayers

XI. County Attorney's Report

County Attorney Lockaby advised the Board of a matter regarding an arrangement that the Animal Shelter shares with the Amherst County Humane Society and the issuance of bonds. He said these bonds will be taxable, which will save the County approximately \$450,000, and the Human Society will save one-third of the debt service that they pay.

XII. Liaison and Committee Reports

- A. Central Virginia Transportation Planning Organization Meeting, September 17, 2020

For information only.

- B. Central Virginia Planning District Commission, September 17, 2020

For information only.

XIII. Departmental Reports

- A. Landfill Saturday Hours - Public Works

Public Works Director Brian Thacker advised that six months ago the Board made a decision to open the landfill on Saturdays from 8:00 a.m. to 4:00 p.m. to accommodate citizen needs. Mr. Thacker reported that after six months it has become apparent that most citizens are not utilizing those extended hours. He said it did not make financial sense to continue extending those hours and requested that the landfill hours be returned back to 8:00 a.m. - 12:00 p.m. on Saturdays.

By motion of Vice-Chair Moore and with the following vote, the Board approved to return Saturday operating hours at the landfill from 8:00 a.m. – 12:00 p.m.

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

NAY: None

ABSENT: Mr. Ayers

Supervisor Pugh asked Mr. Thacker if credit cards are accepted at the landfill. Mr. Thacker reported credit cards are now accepted.

Supervisor Martin inquired about the funding to repair Roses Mill Trail. Mr. Thacker reported that a trailer has been ordered and should arrive by Friday and work should begin on the trail by next week.

B. CARES Act Update

County Administrator Rodgers said that CARES Act funding for the selected items continue to move forward. He reported that a bill is moving through Congress with discussion to extend the deadline to December 30, 2021.

Supervisor Pugh asked about FireFly Fiber Broadband and the progress of expanding internet service in the county. Mr. Rodgers reported that FireFly is continuing its planning and focusing on the underground portion and will be on the ground working by next week.

XIV. Citizen Comment

There was no public comment.

XV. Matters from Members of the Board of Supervisors

Supervisor Martin had no matter to discuss.

Supervisor Pugh had no matter to discuss.

Vice-Chair Moore had no matter to discuss.

Chair Tucker received a complaint from a citizen who said he could not pay his taxes with a credit card. She asked the County Administrator to look into the matter.

Chair Tucker said that Clay Stewart of Stewart Computer advised that River Street is acquiring his business and requested a meeting with the Board. Mr. Rodgers advised he is setting up that meeting.

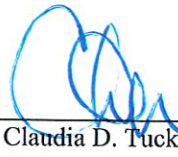
XVI. Adjournment

By motion of Supervisor Martin and with the following vote, the Board adjourned at 4:46 p.m.

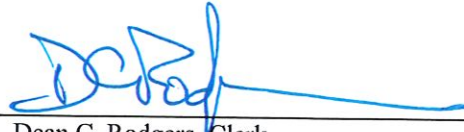
AYE: Mrs. Tucker, Ms. Moore, Mr. Pugh and Mr. Martin

NAY: None

ABSENT: Mr. Ayers



Claudia D. Tucker, Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk

Attachment 1

Public Works list for Transfer Station funds

Number	Item	Cost	Reason
A1	(1) New truck shop for Transfer Station	\$100,000	Updated figure from Price Builders
A2	(1) New 930S Loader for Transfer Station	\$255,000	Necessary to load trailers @ Transfer Station
A3	(7) OTR equipment for Transfer Station	\$695,000	(5) walking floor trailers, (2) more tractors
A4	(1) Automatic Gate @ landfill entrance	\$7,500	Safer, easier access to landfill
A5	Furnish Maintenance Building	\$50,000	Purchase equipment for new facility
A6	(2) Commercial generators for TS	\$40,000	To continue operations in event of power loss
A7	(1) Landfill meeting room upgrade	\$37,500	Did not get approved via CARES act funding
A8	(1) Pave employee parking lot	\$42,500	Employees constantly getting nails, screws in tires
A9	(3) 2,000 gallon fuel tanks for TS	\$22,500	Double-walled fuel tanks for all equipment
B1	(1) Prospective Madison Heights CC	\$750,000	In long term plans
B2	(6) 40-yard stationary trash, OCC compactors	\$400,000	To maximize spacing/limit number of hauls
B3	(3) Slabs for additional 40-yard compactors	\$60,000	Must install for some new stationary compactors
B4	(20) 34-yard self-contained recycle compactors	\$800,000	Replace existing 20-yard recycle dumpsters
C1	(1) Outbound scale	\$100,000	Enhance traffic flow at front entrance
C2	(1) Service truck for PW	\$150,000	For prospective maintenance tech
C3	(5) 34-yard self-contained compactors for Transfer Station	\$160,000	Compactors to make TS full-service convenience site
C4	(1) Used leachate trailer, 7500 gallons	\$20,000	Backup for primary trailer
C5	(1) Prospective Burley Hollow CC	\$750,000	In long term plans

\$1,250,000
\$3,260,000
\$1,180,000

If \$5 million option exercised
If \$6 million option exercised
Other PW needs