



**BOOK 37**  
**Pages 473-484**

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



**Board of Supervisors**

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

**MINUTES**

**August 17, 2021**  
Administration Building - 153 Washington Street -  
Public Meeting Room  
Amherst, Virginia 24521  
Meeting Convened - 7:00 PM

**County Administrator**  
Dean C. Rodgers

**County Attorney**  
Mark Popovich

## **I. Call To Order**

At a regular meeting of the Amherst County Board of Supervisors held on August 17, 2021 at 7:00 p.m., the following members were present:

### **BOARD OF SUPERVISORS:**

Jennifer R. Moore, Chair  
David W. Pugh, Jr., Vice-Chair (via electronic telephone communication)  
Tom Martin, Supervisor  
L. J. Ayers III, Supervisor  
Claudia D. Tucker, Supervisor

ABSENT: None

### **STAFF:**

Dean C. Rodgers, County Administrator  
David R. Proffitt, Deputy County Administrator  
Mark Popovich, County Attorney  
Regina M. Rice, Clerk

Chair Moore called the meeting to order at 7:01 p.m. and stated that Vice-Chair Pugh would be participating in the meeting via electronic communication from his home due to a medical condition.

By motion of Supervisor Ayers and with the following vote, the Board approved Vice-Chair Pugh's remote participation in the meeting via electronic communication from his home due to a medical condition.

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

NAY: None

ABSENT: None

ABSTAIN: Mr. Pugh

NOTE: All Board of Supervisors' meetings are now being streamed live on Facebook and on YouTube.

## **II. Approval of Agenda**

By motion of Supervisor Ayers and with the following vote, the Board amended the Agenda for August 17, 2021 by adding item sections I. Call To Order, II. Approval of Agenda and III. Invocation and Pledge of Allegiance, and renumbering the remaining items to follow the number sequence.

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

NAY: None

ABSENT: None

## **III. Invocation and Pledge of Allegiance**

Supervisor Tucker led the Invocation and Pledge of Allegiance.

## **IV. Citizen Comment**

There was no public comment.

## **V. Public Hearing**

A. 20121-344 SolAmerica Energy

Community Development Director Jeremey Bryant addressed the Board regarding SolAmerica Energy's request for a modification of Special Exception 2020-478.

Mr. Bryant reported that in 2020, the Board of Supervisors granted approval of Special Exception 2020-478 by SolAmerica Energy for a solar utility facility installed with solar panels that rotated with the sun. He advised the applicant has now requested a modification to this special exception to use fixed-tilt design solar panels that would not follow the sun and would significantly reduce the glare.

Mr. Bryant said that the Planning Commission recommended approval of the modification on July 15, 2021, but also added an additional condition that a "vegetative buffer shall be required for any portions of the parcel in which the current or proposed buffer does not adequately shield neighboring properties from the proposed development".

Chair Moore opened the Public Hearing

Proponents: None

Opponents: None

Chair Moore closed the Public Hearing.

By motion of Supervisor Martin and with the following vote, the Board accepted the modification from a single-axis tracker system to a fixed system for the solar facility with all other previously approved conditions that shall apply and are associated with case 2020-478, and modified this motion to include the Planning Commission's additional condition that a "vegetative buffer shall be required for any portions of the parcel in which the current or proposed buffer does not adequately shield neighboring properties from the proposed development".

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

NAY: None

ABSENT: None

## **VI. Consent Agenda**

By motion of Supervisor Tucker and with the following vote, the Board approved the Consent Agenda for August 17, 2021.

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

NAY: None

ABSENT: None

### **A. Minutes - July 20, 2021**

It was moved that the Board adopt the minutes of July 20, 2021.

### **B. Code Enforcement Funding Allocation**

It was moved that the Board that the actual cost of a 30-yard container be appropriated from the code enforcement committed fund in an amount not to exceed \$10,000.

### **C. Appropriation - Finance**

It was moved that the Board appropriate \$47,811 from the Unobligated General Fund as described.

### **D. Appropriation of Revenue - Sheriff's Office**

It was moved that the Board appropriate received revenues into the Sheriff's budget.

### **E. ACSO Request for Grant Application**

It was moved that the Board approve the request made by the Amherst County Sheriff's Office to apply for a body worn camera grant.

### **F. Riveredge Trail Easement**

It was moved that the Board direct the Chair of the Board of Supervisors and the County Attorney to sign the Deed of Easement.

## **VII. New Business**



#### A. School Capital Projects - Dr. Arnold

Amherst County School Superintendent Dr. Rob Arnold presented to the Board information on School Capital Projects. He explained that last year an architectural firm did a facility study for the school system and came back with a recommendation to add space for an auditorium. He advised that the current auditorium space only holds approximately one-fourth of all students.

Dr. Arnold advised this past spring a government grant fund was received and part of that money could be used for construction to provide additional open space for students. The plan was approved by the Department of Education and was put out for public comment for 30 days and no comment was received from the public. He said that 80% of the funds would be used on a construction plan and 20% used for instruction.

Dr. Arnold said those funds have a timeline and must be spent by the end of 2024. He said that Request for Proposals from architectural firms have been received and the process will begin on hiring an architectural firm. Once a firm is hired, a Town Hall meeting would be scheduled to receive input from the community.

Dr. Arnold then provided a slide presentation of the construction plan. (See Attachment 1)

Supervisor Tucker asked about the projected cost of the project. Dr. Arnold advised it would be approximately \$10-11M.

Supervisor Martin requested that Dr. Arnold provide a cost and bring that back to the Board as soon as possible because the budget planning process will soon start for the next fiscal year.

County Administrator Rodgers said he speculated the County's cost to be approximately \$4M. He said the County would have to borrow the money, and therefore the need to start talking with Davenport.

#### B. Budget Calendar for Fiscal Year 2023

Finance Director Stacey McBride provided the Board with a proposed budget calendar for FY2023 and requested the Board's approval.

By motion of Supervisor Martin and with the following vote, the Board approved the FY 2023 Budget Calendar.

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

NAY: None

ABSENT: None

### C. Broadband - VATI Application

Community Development Director Jeremy Bryant presented proposed Resolution 2021-0020-R supporting universal broadband access across the County with Firefly Broadband. He advised this resolution would authorize Amherst County to collaborate with Firefly Broadband to apply for VATI grant funding.

Mr. Bryant said at the 6:30 p.m. meeting today, the Broadband Authority Board approved the resolution and he requested the Board of Supervisors to adopt it.

By motion of Supervisor Ayers and with the following vote, the Board adopted Resolution 2021-0020-R as presented.

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

NAY: None

ABSENT: None

### **VIII. County Administrator's Report**

County Administrator Dean Rodgers reminded the Board of the retreat on Monday, August 23 at Sweet Briar College's Wailes Conference Center starting at 9:00 a.m. He advised all department heads and several agency heads have been invited to share ideas. A review of all ongoing projects will be presented to the Board and will be used to build next year's budget.

## **IX. County Attorney's Report**

County Attorney Mark Popovich addressed the Board regarding the opioid litigation. He advised that Purdue Pharma's bankruptcy plan was approved and the County would be receiving money from that settlement. He said a MOU with Commonwealth Attorney has been approved regarding how monies from settlements are to be allocated throughout the Commonwealth.

Mr. Popovich advised the next plan is the Mallinckrodt's \$16.4B bankruptcy plan of which \$16.24M will go to localities in Virginia. He said with this bankruptcy plan the County would be eligible to receive approximately \$50,000 and anticipates the distribution process would be between 1-4 years.

Mr. Popovich said the deadline to vote on the plan is September 3 and said that both outside and bankruptcy attorneys have recommended approval of plan. Mr. Popovich asked the Board to grant him authority to vote Amherst County in favor of the bankruptcy plan as presented.

By motion of Supervisor Tucker and with the following vote, the Board granted the County Attorney authority to vote in favor of the recommended approval of the Mallinckrodt Bankruptcy Plan as presented.

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

NAY: None

ABSENT: None

## **X. Liaison and Committee Reports**

### **A. Agriculture Committee - Claudia Tucker**

Supervisor Tucker reported the Ag Committee's focus is on the County Fair, which will be October 21-24 on Sweet Briar College property. She said the logistics are complete and contracts from vendors are almost complete and sponsorships from the community.

Supervisor Tucker said there is a great need for volunteers and urged everyone to consider helping out.



B. Parks, Recreation & Cultural Development Board- Tom Martin

Supervisor Martin had nothing to report at this time.

**XI. Departmental Reports**

A. Recreation, Parks, and Tourism- Annual Report

Ms. Heather Follett, Chair of the Recreation, Parks, and Tourism presented the annual report and provided an overview of all activities that have now resumed since COVID.

Ms. Follett advised that youth sports and the parks are doing well, pickleball at Sweet Briar College, senior day trips, bingo, monthly luncheons and line dancing classes have restarted.

Ms. Follett asked that folks consider volunteering as there is a great need for help at Recreation and Parks.

**XII. Citizen Comment**

There was no public comment.

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

Supervisor Tucker had no matter to discuss.

Supervisor Ayers had no matter to discuss.

Supervisor Martin advised that VDOT will be putting down rumble strips as an additional safety measure at the intersection of Rt. 151 and Rt. 29. Supervisor Martin thanked the County Administrator for staying on top of that.

Supervisor Martin also voiced his concern again about the truck storage property located on Rt. 29. He asked staff to recheck that property for compliance.

Vice-Chair Pugh had no matter to discuss.

Chair Moore had no matter to discuss.

### **XIV. Closed Session**

- A. 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.

Supervisor Tucker motioned 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.

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

NAY: None

ABSENT: None

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

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

NAY: None

ABSENT: None

**XV. Certification of Closed Session**

Supervisor Tucker motioned 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. Moore AYE  
Mr. Pugh AYE  
Mr. Martin AYE  
Mr. Ayers AYE  
Mrs. Tucker AYE

**XVI. Adjournment**

By motion of Supervisor Ayers and with the following vote, the Board adjourned at 8:40 p.m.

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

NAY: None

ABSENT: None



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Tom Martin, Temporary Chair  
Amherst County Board of Supervisors



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Dean C. Rodgers, Clerk



# Attachment 1

AMHERST COUNTY PUB

HIGH SCHOOL - AUDITORIUM ADDITION

















