



BOOK 38
Pages 629-639



**AMHERST COUNTY
BOARD OF SUPERVISORS**

Board of Supervisors

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

MINUTES

April 5, 2022
Administration Building - 153 Washington
Street - Public Meeting Room
Amherst, Virginia 24521
Meeting Convened - 3:00 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 April 5, 2022 at 3:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

David W. Pugh, Jr., Chairman
Tom Martin, Vice-Chair
L. J. Ayers III, Supervisor
Drew Wade, Supervisor

ABSENT: Claudia D. Tucker, Supervisor

STAFF:

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

Chairman Pugh called the meeting to order at 3:00 p.m.

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

II. Approval of Agenda

By motion of Vice-Chair Martin and with the following vote, the Board approved the agenda for April 5, 2022.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

III. Invocation and Pledge of Allegiance

Vice-Chair Martin led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

There was no public comment.

V. Ordinance - First Reading

- A. Ordinance 2022-0003, amending Sections 3-16 and 3-28 of Chapter 3, Animals, to make revisions to County Code regarding dangerous dog ordinance provisions.

County Attorney Mark Popovich reported that the proposed amendment to the County's current ordinance reflects minor changes made to the Code of Virginia by the General Assembly.

By motion of Chairman Pugh and with the following vote, the Board recommended advertising Ordinance 2022-0003 for a Public Hearing on April 19, 2022.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None
ABSENT: Mrs. Tucker

- B. Ordinance 2022-0004, amending and reenacting Chapter 10, Offenses and Miscellaneous Provisions, Article V, Abatement of Refuse and Weeds.

County Attorney Mark Popovich informed the Board of revisions made to this section of the County Code that relates to code enforcement efforts, which would permit the county to impose civil penalties instead of criminal proceedings. Mr. Popovich said this change would lean towards a more civil process, where the standard is much lower than going through a criminal process and proof beyond a reasonable doubt.

By motion of Supervisor Ayers and with the following vote, the Board recommended setting a public hearing to consider the adoption of the proposed revisions to the County's weeds and refuse abatement ordinance to permit civil penalties.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None
ABSENT: Mrs. Tucker

- C. Ordinance 2022-0005, amending and reenacting Chapter 9, Motor Vehicles and Traffic, Article VI, Inoperable, Abandoned, and Unattended Vehicles; Parking Violations, Division 3, Inoperable Motor Vehicles, Section 9-173, Penalty.

County Attorney Mark Popovich advised this ordinance has been revised to authorize the imposition of civil penalties instead of criminal penalties.

Chairman Pugh asked if the County would still have the ability to remove those vehicles. Mr. Popovich said yes, that was correct.

By motion of Supervisor Ayers and with the following vote, the Board recommended setting a public hearing for the consideration of the draft revisions to its inoperable, abandoned, and unattended vehicle ordinance to permit civil penalties.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

VI. Consent Agenda

By motion of Vice-Chair Martin and with the following vote, the Board approved the Consent Agenda for April 5, 2022.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

- A. Minutes - March 1, 2022 - 3PM Regular meeting and 5PM Budget Workshop

It was moved that the Board adopt the minutes of March 1, 2022 - 3PM and the 5PM Budget Workshop.

- B. National County Government Month

It was moved that the Board adopt Resolution 2022-0003-CR.

C. Building Safety Month Proclamation

It was moved that the Board adopt Resolution 2022-0002-CR.

D. Close Special Revenue Fund - Farmers' Market

It was moved that the Board direct staff to close the Special Revenue Fund - Farmers' Market and place the remaining funds in the General Fund.

E. Appropriation of Revenue - Social Services

It was moved that the Board appropriate State/Federal funding received into the FY 2022 Social Services budget as described.

F. Appropriation of Revenue (Reimbursements)

It was moved that the Board approve the distribution of funds as described.

G. Appropriation of Revenue - Humane Society

It was moved that the Board appropriate \$42,950 of revenue from the Amherst County Humane Society into the debt service budget as described.

H. Appropriation for Recreation Vehicle

It was moved that the Board appropriate \$30,151 from the Unobligated General Fund Balance for the purchase of the Recreation vehicle as described.

I. Recreation Activities Fund Appropriation

It was moved that the Board approve the appropriation of revenue within the Recreation Sponsored Activities Fund as described.

J. Appropriation of Revenue-Commonwealth's Attorney

It was moved that the Board approve the appropriation of funds in the amount of \$3,205.80 from Asset Forfeiture funds to Commonwealth Attorney's Equipment line 7001.

K. Appropriation of Revenue-Commonwealth's Attorney

It was moved that the Board approve the appropriation of funds in the amount of \$1,960.04 from Asset Forfeiture funds to the Commonwealth Attorney's Furniture line 7002.

VII. Special Presentation

A. CVTC Redevelopment Plan

County Administrator Rodgers reported that in 2015, the Board directed the EDA to partner with the Lynchburg Regional Business Alliance and the Chamber of Commerce in the planning and responding to the closure of the Central Virginia Training Center.

Mr. Rodgers introduced Megan Lucas, CEO of the Lynchburg Regional Business Alliance (LRBA) Ms. Lucas provided an overview of the Training

Center Redevelopment Plan and commented on the partnership between the LRBA and the EDA on the Central Virginia Training Center property. She said that the site is a premiere location, which would attract future redevelopment and create a vision to transform the property.

Ms. Lucas then introduced Mr. Doug Bisson of HDR, who presented a slide presentation outlining each section of the Training Center Redevelopment Plan.

Chairman Pugh thanked the Lynchburg Business Alliance, the EDA and all those who worked on the plan. He said the presentation was outstanding and it was important to redevelop the site and inclusion of the farm into the plan.

Chairman Pugh remarked on the \$25M bond issuance and the asbestos abatement. He hoped this plan would come to fruition and be a real "game changer" that would avoid abandonment of the site.

Supervisor Wade thanked everyone involved with the plan and the presentation on the redevelopment of this site.

Supervisor Ayers agreed and remarked on the history that has taken place at the Training Center and the hope of putting new life back into this area. He commended the efforts of everyone involved and the expressed hope that this project will be successful.

Vice-Chair Martin agreed with fellow Board members and acknowledged all of the partnerships who came together to provide the plan. He appreciated the vision and inclusion of historical elements in the plan to preserve the history of that site.

Chairman Pugh asked about the process of moving forward and the transfer of the property by the state.

Mr. Rodgers reported the property is held by the Department of Behavioral Health and Developmental Services, who has not declared the property excess. DBHDS would need to declare the property is excess to the Department of General Services (DGS). DGS would then contact the locality and Amherst County would have six months to make a decision to acquire the property itself. He said that DGS would survey the entire parcel, and if the county could not find a developer to buy the entire parcel, DGS may break it up into smaller parcels to sell off.

Mr. Rodgers said the redevelopment plan would be sent to the Planning Commission, who would study and incorporate it into the Comprehensive

Plan. After those steps are completed, the Planning Commission would then send it back to the Board of Supervisors.

Vice-Chair Martin commented that the plan is ready to send to the Planning Commission for their input. He asked that the Planning Commission look at the County's zoning ordinance and include the plan as the county moves forward. He also remarked about the need to think of the number of school-aged children and taxable revenue the county would see from the redevelopment plan.

Mr. Rodgers invited the Board, the press and public to a press conference after this meeting to answer any further questions.

By motion of Supervisor Wade and with the following vote, the Board accepted the Central Virginia Training Center Master Plan and to send it to the Planning Commission for inclusion in the Amherst County Comprehensive Plan.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None
ABSENT: Mrs. Tucker

VIII. New Business

A. Coolwell Sports Field Naming

Community Development Director Jeremy Bryant addressed the Board regarding the naming of fields at Coolwell Park in honor of Alan Bumgarner, who was the Amherst County Sports Specialist for over 13 years. He said Mr. Bumgarner was a dedicated employee who was committed to youth sports and was a major influence on families in the County.

By motion of Supervisor Ayers and with the following vote, the Board approved naming the fields at Coolwell Park the "Alan Bumgarner Fields" and directed that an appropriate sign be installed.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None
ABSENT: Mrs. Tucker

Mr. Byrant said a ceremony would be held today at 6:30 p.m. at Coolwell Park for the unveiling of the sign.

B. Appropriation for Increased Fuel Costs

Finance Director Stacey McBride addressed the Board to request an appropriation of \$100,000 to cover the increase in fuel costs. She said that several departments would be over budget if fuel costs continue to trend upwards.

By motion of Vice-Chair Martin and with the following vote, the Board appropriated \$100,000 from the Unobligated General Fund Balance to a fuel overage account for FY 2022.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

C. Naming a Road - Amherst County Public Safety, addressing real property

Public Safety Director Sam Bryant addressed the Board regarding Banton Lane and access to multiple parcels in that area. Mr. Bryant advised that a new dwelling was constructed on one of those parcels, and as required by County Code, that road would need to be named. He said those parcels near Banton Lane are owned by the Fore family, and it has been proposed to name the new road as "Fore Lane". Mr. Bryant said this would allow Public Safety to answer 9-1-1 emergency responses.

By motion of Supervisor Ayers and with the following vote, the Board named this road "Fore Lane" to facilitate 911 addresses and emergency response by Fire & Emergency Medical Services.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

IX. County Administrator's Report

A. Projects Status Report

For information only.

B. Boards/Commissions/Committees - Building Appeals Board - vacancy

County Administrator Rodgers advised the Board of a vacancy on the Amherst County Building Appeals Board. He said that John Maynard, an at-large representative on the Building Appeals Board, informed Building Official Nate Young he would be moving out of the area and resigned from his appointment. Mr. Maynard's term would expire on April 30, 2025.

Mr. Rodgers said that staff had advertised the vacancy and received one letter of interest from Mr. Franklin D. Campbell, Jr. on March 25, 2022. No additional letters of interest were received.

By motion of Vice-Chair Martin and with the following vote, the Board appointed Franklin D. Campbell, Jr. as a representative to the Building Appeals Board for a term ending April 30, 2025.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

X. County Attorney's Report

XI. Liaison and Committee Reports

A. Planning Commission - David Pugh

Chairman Pugh reported on the following:

1. The Planning Commission approved a special exception request for a pastor's retreat, church and wedding venue on Early Farm Road. This facility was previously a hunting lodge and treatment facility. He said this matter would come before the Board of Supervisors.
2. A zoning request on Dillard Road was postponed to the April Planning Commission meeting.
3. The Planning Commission passed an amendment to an ordinance regarding family divisions of land that would allow nephews and nieces to be qualified for family divisions. He said it would come before the Board of Supervisors soon.

B. Central Virginia Planning District Commission Meeting, March
17, 2022 - Drew Wade

Supervisor Wade reported that at the last CVPDC meeting, a financial update was provided and a discussion of the retirement of the Executive Director Gary Christie, and his replacement.

C. Central Virginia Transportation Planning Organization March
17, 2022 - Dean Rodgers

For information only.

XII. Citizen Comment

Mr. Robert Richards of District 1 addressed the Board regarding an issue with property he purchased from a tax sale through Shrader Law office several years ago. He said there were several errors in the deed that was recorded, and he had been unsuccessful in trying to get this resolved. He asked if there was anything the Board could do to remedy this matter.

County Administrator Rodgers asked Mr. Richards to contact Joy Niehaus in the County Administrator's office and leave her his contact information.

XIII. Matters from Members of the Board of Supervisors

Supervisor Wade and Chairman Pugh reported they both had received citizen complaints about Hilltop Drive, which has mud and multiple potholes because of the weather. Both Board members asked the County Administrator to contact VDOT to address those problems.

Supervisor Ayers had no matter to discuss.

Vice-Chair Martin said he was sad to learn of the passing of Ernie Cash this week, which has left a great loss to the community. He commented that Mr. Cash had over 50 years of service with the Fire Department and was still very active.

Chairman Pugh echoed the same about Mr. Cash and expressed what a great neighbor he was and would be greatly missed.

Chairman Pugh said he had also received calls regarding Hilltop Drive about the mud and potholes and that the road had not been paved for many years.

In another matter, Chairman Pugh said he received a call from Mr. Sam Davis regarding lots near Madison Heights Elementary School that did not have internet service. He was asked why they could not "piggyback" off of the school and get the internet into that area. Mr. Rodgers said that the schools were given the internet with federal funding and that no one else could connect to the schools.

XIV. Closed Session

- A. A closed session pursuant to VA Code Section 2.2-3711, Subsection (A)(3), for the purpose of discussion related to 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 related to the acquisition of properties located in District 2, District 5, and District 3.

Supervisor Ayers motioned that the Amherst County Board of Supervisors convene in a closed session pursuant to VA Code Section 2.2-3711, Subsection (A)(3), for the purpose of discussion related to 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 related to the acquisition of properties located in District 2, District 5, and District 3.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

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

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade

NAY: None

ABSENT: Mrs. Tucker

XV. Certification of Closed Session

Supervisor Wade 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.

Mr. Pugh: AYE
Mr. Martin: AYE
Mr. Ayers: AYE
Mrs. Tucker: ABSENT
Mr. Wade: AYE

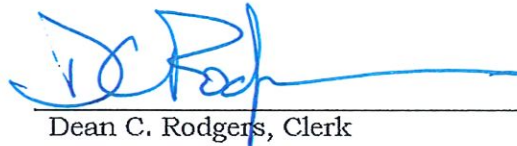
XVI. Adjournment

By motion of Supervisor Wade and with the following vote, the Board adjourned at 4:39 p.m.

AYE: Mr. Pugh, Mr. Martin, Mr. Ayers and Mr. Wade
NAY: None
ABSENT: Mrs. Tucker



David W. Pugh, Jr., Chair
Amherst County Board of Supervisors



Dean C. Rodgers, Clerk