



BOOK 38
Pages 719-728



**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

August 2, 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 August 2, 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
Claudia D. Tucker, Supervisor
Drew Wade, Supervisor

ABSENT: None

STAFF:

Dean C. Rodgers, County Administrator
David R. Proffitt, Deputy County Administrator
Mark Popovich, County Attorney
Regina 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 Supervisor Ayers and with the following vote, the Board approved the agenda.

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

III. Invocation and Pledge of Allegiance

Chairman Pugh led the Invocation and Pledge of Allegiance.

IV. Citizen Comment

Mr. Skyler Zuck of Richmond, Virginia addressed the Board and spoke about a new non-profit coalition for clean energy in rural communities. Mr. Zuck said he would return once he receives more information with regard to this.

V. First Read - Ordinance

- A. Ord. 2022-0006, amending §§ 801 and 1207, of Appendix A – Zoning and Subdivision, of the Code of the County of Amherst, relating to utility, cemetery, storm-water facility lots and storm-water divisions.

Community Development Director Jeremy Bryant presented the proposed ordinance that includes minimum lot standards and platting requirements for storm-water facilities, utilities and cemetery lots. Mr. Bryant said the change would benefit future developers, citizens and utility companies and would reduce the subdivision platting requirements. By reducing the standards of subdivision platting requirements, it would allow the creation of storm-water facilities, utility and cemetery lots to go below the minimum lot area where they are located.

Mr. Bryant advised the proposed Ordinance 2022-0006 was approved by the Planning Commission at their June 2022 meeting.

Vice-Chair Martin asked that the building materials and colors be added to the definition.

By motion of Chairman Pugh and with the following vote, the Board directed staff to advertise Ordinance No. 2022-0006 for a public hearing at the August 16 meeting.

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

NAY: None

ABSENT: None

- B. Ord. 2022-0009, amending and enacting § 302 of Article III, §§ 702, 703, 705, 706, 707, 708, and 712 of Article VII, and § 1104 of Article XI of Appendix A – Zoning and Subdivisions Ordinance to the Code of the County of Amherst, Virginia.

Community Development Director Jerney Bryant presented proposed Ordinance 2022-0009 that would require elevation of any structures in the Village District to be provided to address the appearance of the structure(s) proposed.

Mr. Bryant said Ordinance 2022-0009 includes language to incorporate storm-water facility lots as a permitted use in various zoning districts. This proposed change provides developers with the opportunity to create storm-water facility lots that can be managed by HOAs, POAs, etc., and ensures the maintenance of such facilities is not imposed on property owners where the facilities exist.

Mr. Bryant advised the proposed Ordinance 2022-0009 was approved by the Planning Commission at their June 2022 meeting.

By motion of Vice-Chair Martin and with the following vote, the Board directed staff to advertise Ordinance No. 2022-0009 with the addition of building materials and colors for a public hearing at the August 16 meeting.

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

- C. Ord. 2022-0010, amending and enacting §§ 702.02 and 702.03 of Article VII – Other Requirements of Zoning Districts, and §§ 904.01 and 904.02, and §§ 904.04 through 904.09 of Article IX - Special Provisions of Appendix A – Zoning and Subdivisions Ordinance to the Code of the County of Amherst, Virginia.

Community Development Director Jerney Bryant presented proposed Ordinance 2022-0010, which would change campgrounds to a special exception.

Mr. Bryant said that the proposed amendment to Section 904 of the County Code would change "Travel Trailer Parks" to "Campgrounds".

Mr. Bryant advised the proposed Ordinance 2022-0010 was approved by the Planning Commission at their June 2022 meeting.

By motion of Supervisor Wade and with the following vote, the Board directed staff to advertise Ordinance No. 2022-0010 for a public hearing at the August 16 meeting.

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

VI. Consent Agenda

By motion of Vice-Chair Martin and with the following vote, the Board approved the Consent Agenda for August 2, 2022.

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

A. Minutes - June 21, 2022

It was moved that the Board adopt the Minutes of June 21, 2022.

B. 2022 Personal Property Tax Relief Act

It was moved that the Board adopt Resolution 2022-0012-R implementing the Personal Property Tax Relief Rate of 28.80% for the tax year 2022.

C. Blue Ridge Regional Jail Authority Board Appointment

It was moved that the Board adopt Resolution 2022-0013-R.

VII. New Business

A. Virginia Fire Services Board Study.

Public Safety Director Sam Bryant addressed the Board and advised that the last study was completed in 2013. He said the study was broken down into five categories and the Fire Services Board looks at Fire and EMS services and then makes recommendations.

Mr. Bryant advised that the Emergency Services Council had brought this forth for the Board's consideration.

Chairman Pugh suggested that the Board wait to do this study after we have a new Public Safety Director but that the study was not likely to be finished before a new Director was hired.

Supervisor Tucker asked about the timeframe. Mr. Bryant responded it is a four-month process.

Vice-Chair Martin agreed with Chairman Pugh to wait until a new Public Safety Director was hired.

By motion of Supervisor Tucker and with the following vote, the Board directed staff to obtain a study of Amherst County Fire & EMS services through the Virginia Fire Services Board.

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

NAY: None

ABSENT: None

B. Generator Reimbursement - Monelison Rescue Squad

Public Safety Director Sam Bryant addressed the Board and said that Station 3 is near completion. Mr. Bryant advised Monelison has purchased a generator for \$9,478.00 and is now requesting reimbursement for that.

By motion of Vice-Chair Martin and with the following vote, the Board approved reimbursement of \$9,478.00 for a generator to the Monelison Volunteer Rescue Squad from the

ESC capital expense fund.

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

NAY: None

ABSENT: None

C. Funding for Part-time Seasonal Park Rangers

Recreation and Tourism Director Randy Nixon presented an update on Mill Creek Lake and the popularity of the lake. He requested that the Board consider a park attendant to clean up trash and bathrooms and to make sure folks are conducting themselves in a proper manner.

Supervisor Wade asked about what type of authority the park attendant would have. Mr. Nixon responded that the park attendant would be out there on site and be the "eyes and ears", and would contact the proper authorities if needed.

Vice-Chair Martin suggested working with Public Safety.

By motion of Supervisor Tucker and with the following vote, the Board approved the transfer of \$8,500 from the Unobligated General Fund transfer account to fund the trial use of part-time park attendants at Mill Creek Lake Park.

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

NAY: None

ABSENT: None

VIII. Old Business

A. Youth Grants Report

Finance Director Stacey McBride addressed the Board, advised that those funds have been disbursed to four organizations and that is complete. She said she would come back in the next two months to look at the spent ARPA money.

Those organizations that received the funds were Madison Heights Youth Baseball, Monelison Bruins, Amherst Wolverines, and softball.

B. Transfer Station Report

County Administrator Dean Rodgers addressed the Board regarding questions from the Board and citizens about the Transfer Station.

1. Why did the County decide on a transfer station?

In 2017, funding was obtained that included \$4M for the new landfill cell. It was decided to take a look at the construction of another landfill cell and determine that the overall cost per ton

was less, and over 28 years it was cheaper to operate the transfer station.

2. When was the transfer station started?

Construction began January 2021.

3. Why did we uncap the closed portion of the landfill?

To buy more time and to make full use of the landfill. It did cost money to uncap. However, those funds were in the existing budget.

4. Why does the county plan to use the landfill until the end of 2024?

The County will use this cell until it is full. The transfer station will be ready to operate by the end of this month. We will begin to haul out our trash one-quarter mile to this cell.

5. Who made the decision to uncap the landfill?

Mr. Rodgers said he made the decision to uncap the landfill and he did not ask for additional money. He said it is in this authority to do that.

6. Did the county start the uncapping process before obtaining DEQ approval?

Mr. Rodgers said no.

7. What equipment was purchased?

Equipment purchased was a loader, tractors and trailers, compactors for convenience centers and additional cans to be placed out in the community. The list of all purchases was approved by the Board at the October 6 meeting.

8. How was everything was funded?

The VRA bond for \$6M.

9. When do we anticipate hauling trash?

Hopefully it will be at the end of the month.

Chairman Pugh referred to a PowerPoint presentation of June 1, 2020, "Why should Amherst County uncap the landfill"? He said that no Board member saw this and it was approximately 3 -1/2 months after the decision was made. He said you came back saying it was better for us to haul the trash and take it to the landfill and it would save about \$1M over 70 months. He said that perhaps the decision was not a good decision to build the transfer station when the cost to haul trash is high now with the price of diesel; and furthermore, the tonnage from the Draper Aden study was significantly increased in the June 1, 2020 meeting. He believed it would have been valuable to the Board to see this information as to why this decision was made.

Mr. Rodgers said at the time the decision was made by the Board to build the transfer station, the landfill was expected to be filled by November 2021. He said we were up against "the gun" for time, and at that point, to look at ways to buy the County time. He said staff presented uncapping the unused portion of landfill to the Board before proceeding to do so.

Supervisor Tucker said it would have been irresponsible not to have used that space that was there.

Mr. Rodgers said there is no plan to stop using the transfer station. He said that the bond money had a time limit and that was another factor contributing to the timing of decisions.

Chairman Pugh said the County Administrator should have brought that information back to the Board and that was not done at that time.

Vice-Chair Martin asked when the contract was signed for the transfer station. Mr. Rodgers responded that the construction began January 2021 and the contract was probably signed in the fall of October/November. He said he brought back to the Board that we were uncapping it on February 16, 2021.

Vice-Chair Martin said the decision to build the transfer station was based on landfill reaching capacity in November 2021. He said had the Board known the landfill would last until 2024 or longer, maybe we would not have decided to build the transfer station and we based our decision at the best information we had at that time. He said it would have been better, three months later, if we knew there was additional capacity.

Vice-Chair Martin said he was concerned about shipping the trash, fuel costs, and tipping fees. He said we need to keep our eyes on this and whether it would be cheaper to open another cell than to truck out trash.

Mr. Rodgers said we can still open another cell and it is still under our permit. It would be cheaper for us to haul, but that could change over time.

Supervisor Wade said we made the right decision.

Supervisor Tucker said the Board made the best decision with the information we had at the time. She mentioned that at that time, DEQ was on our "heels" and Mr. Lockaby mitigated many of those issues. She was very confident in the process and the decision we made as a Board.

IX. County Administrator's Report

A. Boards/Commissions/Committees - Central VA Alcohol Safety Action Program Board - Amherst County representative

County Administrator Dean Rodgers addressed the Board and advised the term of Mr. Kelvin Brown will expire on August 31, 2022. Mr. Brown has submitted his letter of interest requesting reappointment. Staff advertised the vacancy but did not receive any additional letters of interest from the public.

By motion of Supervisor Tucker and with the following vote, the Board reappointed Kelvin R. Brown for a term ending August 31, 2025.

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

B. Boards/Commissions/Committees - Planning Commission - District 4 vacancy

County Administrator Dean Rodgers addressed the Board and advised the term of the term of Mr. Michael Bryant, District 4 representative on the Amherst County Planning Commission, will expire on August 31, 2022. Mr. Bryant has submitted his letter of interest requesting reappointment.

Staff advertised the vacancy but did not receive any additional letters of interest from the public.

By motion of Chairman Pugh and with the following vote, the Board reappointed Michael Bryant to the Amherst County Planning Commission for a term ending August 31, 2026.

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

NAY: None

ABSENT: None

X. County Attorney's Report

The County Attorney had no matter to discuss.

XI. Liaison and Committee Reports

- A. Central Virginia Planning District Commission Meeting, July 21, 2022 - Drew Wade

Supervisor Wade reported on both committees to move forward with the U.S. Department of Transportation to provide funding to repair roads and has developed a safety plan for safe streets.

- B. Central Virginia Transportation Planning Organization July 21, 2022 - Drew Wade

This was addressed by Supervisor Wade during the previous topic.

XII. Departmental Reports

- A. Treasurer's Quarterly Report

For information only.

XIII. Citizen Comment

There was no public comment.

XIV. Matters from Members of the Board of Supervisors

Supervisor Wade congratulated the Madison Heights Dixie Youth boys baseball and girls softball teams for their competition in Alabama.

Supervisor Tucker had no matter to discuss.

Supervisor Ayers commented on the Coolwell Convenience Center and the gates. He said the two lanes have been reduced to one and asked that the posts be moved back so citizens have access to the roadway. He asked the County Administrator to look into this matter.

The second matter Supervisor Ayers raised was a potential development in Madison Heights. He said he sent all members a letter regarding a potential development in Mr. Wade's district in Madison Heights and the need for sewer and water infrastructure. He asked for the status of that to serve this particular piece of property. Chairman Pugh said this was discussed at the ACSA Board meeting and that the cost exceeded what had been approved. He said Hurt & Proffitt had done a study and rock was a big issue.

ACSA Director Bob Hopkins addressed the Board and said the Morcom property has been up for development for decades. He said the ARPA money was appropriated and the only way to use that money was the replacement of that infrastructure.

Chair Pugh had no matter to discuss.

Vice-Chair Martin had no matter to discuss.

XV. Closed Session

- A. A closed session, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

Chairman Pugh motioned that the Amherst County Board of Supervisors convene in closed session pursuant to VA Code Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended, to evaluate the performance of the County Administrator.

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

NAY: None

ABSENT: None

Chairman Pugh motioned to come out of closed session and was approved with the following vote:

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

NAY: None

ABSENT: None

XVI. Certification of Closed Session

Chairman Pugh moved 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: AYE

Mr. Wade: AYE

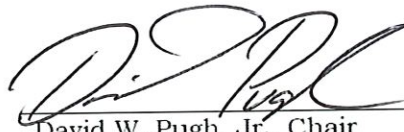
XVII. Adjournment

By motion of Chairman Pugh and with the following vote, the Board adjourned at 4:25 p.m.

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

NAY: None

ABSENT: None

A handwritten signature in black ink, appearing to read "David W. Pugh, Jr.", written over a horizontal line.

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

A handwritten signature in blue ink, appearing to read "Dean C. Rodgers", written over a horizontal line.

Dean C. Rodgers, Clerk