



BOOK 38
Page 861-868



AMHERST COUNTY
BOARD OF SUPERVISORS

Board of Supervisors

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

MINUTES

June 20, 2023

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

County Administrator
Jeremy Bryant

County Attorney
Mark Popovich

I. Call to Order

At a regular meeting of the Amherst County Board of Supervisors held on June 20, 2023 at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

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

ABSENT: None

STAFF:

Jeremy S. Bryant, County Administrator
David R. Proffitt, Deputy County Administrator
Mark Popovich, County Attorney
Kristen Freeman, Clerk

Chairman Martin called the meeting to order at 7:00 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 Ayers and with the following vote, the Board approved the agenda.

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

NAY: None

ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Wade led the Invocation and Supervisor Tucker led the Pledge of Allegiance.

IV. Citizen Comment

Scott Peyton, District 2, addressed the Board regarding the monument at the Courthouse. Mr. Peyton stated he believes the monument at the Courthouse should not be removed.

Michael Esposito, District 2, addressed the Board regarding the monument at the Courthouse. He stated that the monument should not be removed or changed.

Mark Magruder, District 1, addressed the Board, stating he believes the monument at the Courthouse needs to be taken down.

Ella Magruder, District 1, addressed the Board, stating she believes the monument at the Courthouse needs to be taken down.

V. Public Hearing

A. Special Exception 2023-193 Pamela Turner

This request is by Pamela Turner to allow a photography venue, special events for weddings and other similar uses, and a short-term tourist rental of a dwelling. The property is located at 2770 Elon Road and is further identified as tax map number 121-A-22.

The Planning Commission unanimously recommended approval of Special Exception 2023-193 to the Board of Supervisors.

Planning Commission Recommended Conditions

1. Lighting: All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
2. Sewerage Facilities: The applicant shall follow all regulations prescribed by the Virginia Department of Health.
3. Parking: Guests shall be required to park on the property and not park on neighboring lots or on any right-of-way outside of their property unless they have written permission.
4. Transportation: All requirements from the Virginia Department of Transportation for the entrance shall be met.
5. Public Safety: The owner shall meet all requirements set forth by the Director of Public Safety as it has to do with access to the property.
6. Traffic: A parking attendant shall be directing traffic with events greater than seventy-five (75) guests.
7. Short-Term Tourist Rental: The applicant shall meet all requirements of Section 916 which regulates short-term tourist rental of dwellings.

The Public Hearing was opened.

Proponents: Paul Kilgore, John Marks Jr.

Opponents: Danny Fields

The Public Hearing was closed.

Board directed staff to speak to VDOT regarding the speed limits and overgrowth in the area of Route 130 in Elon where this property is located.

By motion of Vice-Chair Ayers and with the following vote, the Board approved Special Exception 2023-193

with the Planning Commission's recommended conditions.

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

NAY: None

ABSENT: None

B. Special Exception 2023-165 Sunni and Samantha Stonelake

The purpose of the special exception is to allow a kennel. The property is located at 245 Old Farm Road and is further identified as tax map number 54-A-23.

The Planning Commission voted unanimously to recommend approval of Special Exception 2023-165 to the Board of Supervisors.

Planning Commission recommended conditions

1. Entrance: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Transportation and receive a proper entrance permit, if required.
2. Sewage: Prior to the issuance of a zoning permit, the applicant shall contact the Virginia Department of Health and/or the Department of Environmental Quality to determine if the septic system is adequate.
3. Number of dogs: No more than 20 dogs shall be allowed at the facility at any one time.
4. Noise: No animal shall howl, bark, whine, meow, or make other such noises that are plainly audible on the property of another person and which occur repeatedly or continuously for a period of thirty (30) minutes or more in duration.
5. Inspection: The facility shall be inspected and approved by Amherst County Animal Control and issued a Certificate of Compliance (Amherst County Kennel Ordinance) prior to the issuance of a zoning permit.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Chairman Martin and with the following vote, the Board approved Special Exception 2023-165 with the Planning Commission's recommended conditions.

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

NAY: None

ABSENT: None

C. Resolution 2023-7-R Waldren

The Board of Supervisors directed staff at its March 7th Board of Supervisors meeting to begin the process of revoking special exception 2023-380. Per section 1003.03.11 of the Amherst County Zoning and Subdivision Ordinance, the Board of Supervisors may, by resolution, initiate a revocation of a special exception permit. When initiated, the revocation process shall be handled as would a new application for a special exception permit to include the holding of respective public hearings by both the planning commission and board of supervisors as provided for in Section 15.2-2204 of the Code of Virginia, 1950, as amended.

The Planning Commission voted unanimously to recommend approval of Resolution 2023-7 to the Board of Supervisors.

The Public Hearing was opened.

Mr. Waldren addressed the Board.

Proponents: None

Opponents: None

The Public Hearing was closed.

Because of the progress that was made on the property, By motion of Chairman Martin and with the following vote, the Board voted to table this discussion until their October 17, 2023 meeting.

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

NAY: None

ABSENT: None

D. Ordinance 2023-4, Mixed Use - Traditional Neighborhood Development

The Planning Commission held a workshop on February 2, 2023, to discuss code changes to section 711 of the Amherst County Zoning and Subdivision ordinance. The changes that were discussed at the workshop, as well as changes made during the Planning Commission public hearing, and the Board of Supervisor's first read are reflected in the attached ordinance. These changes include but are not limited to density, setbacks, and design requirements, i.e. lighting, sidewalks, etc.

The Planning Commission recommended unanimous approval of the changes on May 18, 2023. At the Board of Supervisors' first read on 6/6/23, staff was instructed to make changes to Ordinance 2023-4 in regard to individual/mixed-use building sizes, setbacks for multifamily buildings, and setbacks for lots over 20,000 sq. feet.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Ayers and with the following vote, the Board adopted Ordinance 2023-4 as presented.

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

NAY: None

ABSENT: None

VI. Consent Agenda

By motion of Vice-Chair Ayers and with the following vote, the Board approved the Consent Agenda for June 20, 2023.

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

NAY: None

ABSENT: None

A. Minutes - June 6, 2023

It was moved that the Board adopt the minutes of June 6, 2023.

B. Reimbursement - Monelison Rescue Squad

It was moved that the Board approved the reimbursement of \$8,378.93 to the Monelison Rescue Squad for the repairs to their building from the ESC Capital Expense Fund.

C. Transfer Funds - Amherst Life Saving Crew

It was moved that the Board approve the transfer of \$46,335.00 from Amherst Rescue contribution line to the Public Safety Equipment Line.

D. Appropriation of Revenue - Sheriff's Office

It was moved that the Board approved the appropriation of funds as described.

E. Appropriation of Revenue- Commonwealth's Attorney

It was moved that the Board approved the appropriation of funds from the State Compensation Board in the amount of 4,280.00 to the Commonwealth's Attorney's budget as presented.

F. Appropriations of Revenue - Commonwealth's Attorney

It was moved that the Board approved the appropriation of funds from the Asset Forfeiture in the amount of \$3,913.71 to the Commonwealth's Attorney's Equipment line item.

VII. Old Business

A. Transfer Station Figures

During the June 6, 2023 Board meeting, the Supervisors requested staff return with a variety of funding options to keep the Transfer Station open, as well as fund two required landfill operator positions. Should the Transfer Station be kept open as-is, there remains a need to restore two full-time staff as operators at the landfill. The Public Works presentation includes a variety of options to partially or fully pay for the needed personnel without pulling monies from the general fund or elsewhere in the budget.

Staff recommends maintaining the transfer-station operation as-is, hiring the two full-time landfill staff positions funded by charging the residential contract haulers a tipping fee of \$44 per ton, and raising the standard gate rate to \$55.50/ton. Staff also recommends that excess revenue from these changes be added to the Closure and Post-Closure Reserve.

By motion of Chairman Martin and with the following vote, the Board directed staff to implement the change to the standard of \$55.50 a ton and to draft an Ordinance change that will allow the county to change the residential contract haulers tipping fee to \$44 per ton as of September 1, 2023.

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

NAY: None

ABSENT: None

VIII. County Administrator's Report

A. Boards/Commissions/Committees - Library Board of Trustees

By motion of Supervisor Wade and with the following vote, the Board reappointed Mr. Langhans as District 4 representative, appointed Mr. Jordan as District 5 representative, and Ms. Giles as District 1 representative to the Library Board of Trustees.

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

NAY: None

ABSENT: None

B. Boards/Commissions/Committees - Social Services Board

By motion of Supervisor Wade and with the following vote, the Board directed staff to schedule interviews with the two applicants.

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

NAY: None

ABSENT: None

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

A. Emergency Services Council - Jimmy Ayers

Vice-Chair Ayers reported that he was unable to attend the last ESC meeting and asked Mr. Brad Beam to comment. Mr. Beam stated there was mold in the Monelison Rescue Squad building and the remediation of that has taken place and that the groundbreaking for the Fire Training center will be taking place soon.

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

Chairman Martin stated that the Parks & Rec Board and staff continue to do wonderful and exciting things in the county. He stated they are doing several sports camps this summer and they are being very well attended. Mr. Martin also stated that they are partnering with the Girl Scouts to set up a passport system for our county parks and there will be some plaques that you will go and etch that you've been there and you will learn about various different things with the outdoors, and you'll come back, and you'll be able to turn that it into parks and rec and get a patch. Mr. Martin encourages citizens to go visit the county parks.

C. Agriculture Committee - Claudia Tucker

Supervisor Tucker had nothing to report.

D. Planning Commission - David Pugh

Supervisor Pugh reported that the Planning Commission had a meeting on June 15, 2023, and had two special exceptions come before them, one being a short-term tourist rental on Coolwell Road which passed unanimously, as well as a special event request on Riverville Road that also passed unanimously. Mr. Pugh also reported that a workshop has been scheduled to discuss the county utility-scale solar ordinance.

XI. Citizen Comment

Gloria Witt, District 3, President of the NAACP, addressed the Board. Ms. Witt stated the NAACP holds steady with its request to the Board to address the anomaly of the monument.

Melody Fletcher, District 5, addressed the Board on behalf of the NAACP. She said the NAACP asks that the anomaly of the monument be addressed.

XII. Matters from Members of the Board of Supervisors

Chair Martin had no matter to discuss.

Vice-Chair Ayers had no matter to discuss.

Supervisor Tucker directed staff to place an item on their upcoming agenda regarding possible legislation regarding line-of-duty benefits for private force officers.



Tom Martin, Chair
Amherst County Board of Supervisors



Jeremy Bryant, County Administrator

Supervisor Wade had no matter to discuss.

Supervisor Pugh had no matter to discuss.

XIII. Closed Session

- A. A closed session pursuant to Section 2.2-3711(A)(8) of the Code of Virginia (1950, as amended) for consultation with legal counsel employed or retained by Amherst County regarding a monument on county property.

Vice-Chair Ayers motioned to go into closed session and was approved with the following vote:

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

NAY: None

ABSENT: None

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

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

NAY: None

ABSENT: None

XIV. Certification of Closed Session

CERTIFICATION OF CLOSED MEETING

I move 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

XV. Adjournment

By motion of Vice-Chair Ayers and with the following vote, the Board adjourned at 9:10 pm.

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

NAY: None

ABSENT: None