



BOOK 38
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**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

May 16, 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 May 16, 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 with the amendment of removing Section V. Public Hearing Item. F. Special Exception 2023-087 Piney River Solar LLC, Section XIII. Closed Session and Section XIV. Certification of a Closed Session.

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

NAY: None

ABSENT: None

III. Invocation and Pledge of Allegiance

Supervisor Tucker led the Invocation and Vice-Chair Ayers led the Pledge of Allegiance.

IV. Citizen Comment

Brooke Vandervelde addressed the Board on behalf of the NAACP regarding a plaque on the Confederate monument located on the Courthouse property. (SEE ATTACHMENT 1) Chairman Martin directed Mr. Bryant to schedule this on a future meeting agenda for discussion.

Shawn Hershberger addressed the Board. He stated he is a representative of Energix Renewables. Mr. Hershberger said it was his intent to be here tonight to talk about Piney River Solar and he wanted to thank the Board for their time reviewing the proposal and all the feedback he has received not only from the Board members but from members of the community. Mr. Hershberger stated they made a hard decision to withdraw their Special Exception application today with the intent of putting pen back to paper, modifying it and making it an application that will be better reflective of the neighbor's wishes and the county's wishes and still be a win-win scenario for everyone.

Skyler Zunk addressed the Board and stated he is a representative from Energy Right, a non-profit that he and a colleague co-founded to bring a conservative voice to clean energy conversations happening across Virginia with an eye for property rights. Mr. Zunk stated he was here to speak briefly on Piney River Solar but will save those remarks. He stated that brownfields are what everyone almost unanimously agrees are good spots for solar because there usually isn't a higher and better use. Mr. Zunk said he appreciates the county's diligent work on solar projects to date, as two have been permitted so far.

V. Public Hearing

A. VDOT Rural Rustic Priority List FY24-FY29

VDOT has asked that the county's existing prioritized listing of roads to be paved be approved as presented. The proposed document makes no changes to the listing as it was last presented to VDOT. The priority list requests the Virginia Department of Transportation to designate certain roads as Rural Rustic Roads in Amherst County and add these roads to the Six-Year Plan for paving in the secondary system of state highways.

The Public Hearing was opened.

Chris Haney addressed the Board asking for the consideration of Crawleys Creek Road to be added to the Rural Rustic Priority List.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Tucker and with the following vote, the Board added Crawleys Creek Road to the VDOT Rural Rustic Priority List and approved the priority list ranking as proposed/amended.

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

NAY: None

ABSENT: None

B. Special Exception 2023-128 Mary Catherine & Steven Crowder

Request by Steven and Mary Catherine Crowder for a special exception in the R-1, Limited Residential District. The purpose of the special exception is to allow a short-term tourist rental of a dwelling. The property is located at 240 Brightwells Mill Road and is further identified as tax map number 149-A-50.

The Planning Commission voted unanimously to approve the request.

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: The applicant shall work with the Virginia Department of Transportation for an entrance permit, if applicable.
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. 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.

Steven Crowder addressed the Board stating he and his wife recently had their first child and they are moving out of this house into a larger home and would like to keep the home and make it a short-term rental. Mr. Crowder stated they will be residing in their new home just in front of this property.

Proponents: None

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Ayers and with the following vote, the Board approved Special Exception 2023-128 with Planning Commission's recommended conditions.

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

NAY: None

ABSENT: None

C. Rezoning Request 2023-034 Adam Huffines (4446 S. Amherst Hwy)

Request by Adam Huffines for a conditional zoning request of 2.57 acres from the R-2, General Residential District to the B-2, General Commercial District. The purpose of the conditional zoning is to allow for a Transport Truck Maintenance Shop and Automotive Center. The property is identified as tax map numbers 155-A-106 (portion of) and 155-A-103 (portion of).

The request includes an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from medium density residential to commercial in the area identified on the proposed rezoning map.

The Planning Commission voted unanimously to approve the request.

PROFFERS (See Attachment 2)

The Public Hearing was opened.

Proponents: Russell Nixon with Nixon Land Surveying addressed the Board stating he is an agent and representative for Adam Huffines and MotorWorld. Mr. Nixon said there has been 3 and a half to 4 months spent working with VDOT and the TIA and revising this concept plan. Mr. Nixon stated he believes that they have thoroughly covered every safety feature they can for Coleman Road and Dillard Road access and for the right in right out on the entrance. He stated that Mr. Huffines has done a lot to make that intersection look nice as it is with the new MotorWorld location that is there currently. Mr. Nixon stated he believes this project will be of great benefit to the county.

Opponents: None

The Public Hearing was closed.

By motion of Supervisor Wade and with the following vote, the Board approved conditional zoning 2023-034 with the submitted, voluntary, and staff recommended proffers and approve an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from medium-density residential to commercial in the area identified on the proposed rezoning map.

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

NAY: None

ABSENT: None

D. Rezoning Request 2023-038 Adam Huffines (697 Dillard Rd)

Request by Adam Huffines for a conditional zoning request of 13.86 acres from the B-2 General Commercial District and R-2, General Residential District to the R-3 Multi-Family Residential District. The purpose of the conditional zoning is to allow high-density residential. The property is identified as tax map numbers 155-A-106 (portion of), 155-A-110 and 155-A-109.

The request includes an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from commercial and medium-density residential to high-density residential in the area identified on the proposed rezoning map.

The Planning Commission voted unanimously to approve the request.

PROFFERS (See Attachment 3)

The Public Hearing was opened.

Proponents: Adam Huffines, owner and developer of this property. He stated his desire is to build this county. He stated he was born and raised here and wants to give back to the county.

Trevor Gillespie, Realtor, stated there is an all-time low with housing inventory. Mr. Gillespie stated that there are only 27 homes active on the market in Amherst County and the median price range is at \$398,600.00. Mr. Gillespie stated if you break that out looking at just Madison Heights there are only 9 homes on the market in that area currently with a median price range of \$267,300.00. Mr. Gillespie reported there are not enough homes in Amherst County to support the number of buyers.

Opponents: None

The Public Hearing was closed.

By motion of Vice-Chair Ayers and with the following vote, the Board approved conditional zoning request 2023-038 with the applicant's voluntary and Planning Commission's recommended proffers as well as staff

NAY: None
ABSENT: None

F. Special Exception 2023-087 Piney River Solar LLC
Item stricken from the agenda.

VI. Consent Agenda

By motion of Supervisor Tucker and with the following vote, the Board approved the Consent Agenda for May 16, 2023.

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

A. Minutes - May 1, 2023 Budget Public Hearing
It was moved that the Board adopt the minutes of May 1, 2023.

B. Minutes - May 2, 2023
It was moved that the Board adopt the minutes of May 2, 2023.

C. Minutes - May 8, 2023 Budget Adoption
It was moved that the Board adopt the minutes of May 8, 2023.

D. Reimbursement - Amherst Life Saving Crew
It was moved that the Board approve the reimbursement of \$4,040.36 to Amherst Life Saving Crew for the generator repairs from the ESC Capital Expense Fund.

E. Reimbursement BRRJA - Replacement of LiveScan System
It was moved that the Board approved reimbursement to the Blue Ridge Regional Jail Authority for equipment replacement in the amount of \$12,726.67 from the Unobligated General Fund Balance.

F. Winton Farm Independence in Amherst Tourism Funding
It was moved that the Board approved \$5,000.00 from the Tourism Account Fund to Winton Farm for its Annual Independence in Amherst event on July 1, 2023.

VII. New Business

A. Amherst/Nelson Agriculture Working Committee Appointments
At a joint meeting between the Amherst County Board of Supervisors and the Nelson County Board of Supervisors held on February 21, 2023, the two boards decided to have the Amherst County Administrator and the Nelson County Administrator form a Committee consisting of two Board members each from Nelson County and Amherst County as well as representation from both Amherst County Public Schools and Nelson County Public Schools and stakeholders from the agricultural community.

By motion of Supervisor Tucker and with the following vote, the Board appointed Chairman Martin and Supervisor Tucker to the Amherst/Nelson Agriculture Working Committee.

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

noted proffers and approved an amendment to the Future Land Use Map (FLUM) of the Amherst County Comprehensive Plan from commercial and medium density residential to high density residential in the area identified on the proposed rezoning map.

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

E. Special Exception 2023-037 Adam Huffines (4446 S. Amherst Hwy)

Request by Adam Huffines for a special exception in the B-2 General Commercial District. The purpose of the special exception is to allow for a 10,000 square foot transport and truck maintenance shop and a 30,000 square foot automotive center, which will hold office space and an automotive body shop. The property is identified as tax map number(s) 155-A-106 (portion of) and 155-A-103 (portion of).

The Planning Commission voted unanimously to approve the request.

Planning Commission's Recommended Conditions

1. Parking: All vehicles shall be parked in a designated parking area that is 9' x18' in size. The parking lot shall have an aisle width of at least twenty-two (22) feet.
2. Lighting: All proposed lighting shall be glare-shielded and directed so as to prevent illumination across the property line. No light shall be installed that the zoning administrator finds will adversely affect traffic on South Amherst Hwy and Coleman Road or any neighboring property.
3. Outdoor storage: No miscellaneous items shall be stored outside the building other than vehicles that are waiting for repair.
4. Entrances: Prior to the issuance of a zoning permit, the applicant will be responsible to ensure that the Virginia Department of Transportation (VDOT) minimum standards are met.
5. Trash Disposal: If an outdoor trash disposal facility is used, it shall be fully screened from view.
6. Equipment: All equipment associated with the proposed use shall be installed and used inside the building.
7. Landscaping: A landscaping plan shall be submitted as part of the site plan and shall meet all requirements of Article XVI – Landscaping Ordinance.
8. Screening: Screening shall consist of three rows of staggered trees in which all plantings must be at least six (6) to eight (8) feet tall when planted.
9. Repair Vehicle Parking: All vehicles awaiting repair shall be placed in a designated parking area behind the proposed automotive center that is in general conformance with the submitted site sketch as determined by the Zoning Administrator. The maximum time any vehicle can be on the parcel is 10 days.

The Public Hearing was opened.

Proponents: None
Opponents: None

The Public Hearing was closed.

By motion of Supervisor Wade and with the following vote, the Board approved special exception case 2023-037 with Planning Commission's recommended conditions.

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

NAY: None
ABSENT: None

VIII. County Attorney's Report

The County Attorney had no matter to discuss.

IX. Liaison and Committee Reports

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

Chairman Martin reported that the Parks, Recreation & Cultural Development Board continues to meet on a monthly basis. He stated they had discussed the potential partnering with Winton Farms on their Independence Day event. Mr. Martin reported that the Parks & Rec Board is an active group and are doing multiple day camps, sports clinics, tours to the D-Day Memorial, etc. Mr. Martin also reported that the Parks & Rec Board was notified that the Land and Water Conservation fund grants for both Seminole Park and Mill Creek Lake were not approved this round and that staff is going to continue to seek those grants and other opportunities to complete those projects moving forward.

B. Agriculture Committee - Claudia Tucker

Supervisor Tucker stated that the Agriculture Committee is very active and innovative and always thinking about new ways to get the message out to the community. She stated they are talking about doing a quarterly newsletter to update citizens of agriculture-related happenings as well as a Q & A section. Mrs. Tucker said the Fair is always front and center for the committee and there is going to be a major headliner for the music this year. She thanked the staff for their help and involvement with that.

X. Departmental Reports

A. Treasurer's Report for Quarter Ending March 31, 2023

For the Boards Information.

XI. Citizen Comment

Barbara Pryor addressed the Board stating she is hoping they are looking into and addressing some of the items that were at 2022 county fair.

XII. Matters from Members of the Board of Supervisors

Chair Martin directed staff and the County Attorney to look at ordinances that set a time frame before the board meeting where petitioners can ask to either postpone or withdraw their petitions.

Vice-Chair Ayers had no matter to discuss.

Supervisor Tucker had no matter to discuss.

Supervisor Wade had no matter to discuss.

Supervisor Pugh had no matter to discuss.

XIII. Closed Session

Item was stricken from the Agenda.

- 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 specific legal matters requiring the provision of legal advice by such counsel related to a proposed solar siting agreement.

XIV. Certification of Closed Session

Item was stricken from the Agenda.

XV. Adjournment

By motion of Supervisor Wade and with the following vote, the Board adjourned at 8:20 pm.

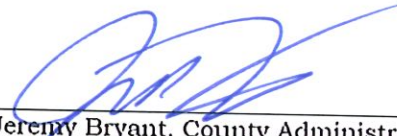
AYE: Mr. Martin, Mr. Ayers, Mrs. Tucker, Mr. Wade, and Mr. Pugh

NAY: None

ABSENT: None



Tom Martin, Chair
Amherst County Board of Supervisors



Jeremy Bryant, County Administrator



Dear Board of Supervisors,

The Amherst County chapter of the NAACP writes to call your attention to an anomaly that exists in our county that we ask you to address.

We refer specifically to the Confederate monument with a plaque honoring the "Sons of Amherst County who...upheld in arms the cause of Virginia and the South" and "were ever proud that they had done their part in the noble cause" that is prominently on display on County Courthouse property.

We view this as an anomaly at many levels:

- This monument is a throwback to an era when institutionalized racism was a painful and tragically lived reality for a large portion of our population. This county must not even seem to be contributing to its survival in our time.
- It is expressive of a sentiment that, by its very nature and its historical reference, would clearly not be shared by all the county residents and is clearly offensive to many.
- Its continued presence on public land at the Amherst County Courthouse complex can easily be construed as an endorsement of its sentiments by our current elected authorities and citizenry. More properly, our courthouse complex should unequivocally promote "Equal Justice for All."
- In 1922, the power structure of the time allowed tenets of a private organization, the United Daughters of the Confederacy (UDC), to occupy alone a privileged place on public property that honored only a subset of our community. Times have changed. Amherst can ill afford to continue to promulgate a divisive message. One hundred years is enough.
- Reflecting not only selective memories, but also severe inequalities, this unbalanced presentation, positioned in front of the United States Flag, does not foster unity.

The plaque is an anomaly. It is neither right nor reasonable for it to be where it is; its message is out of sync with our times. As elected representatives charged with the responsibility of tending to the wellbeing of all county residents, you must see this has been, and remains, a very problematic presence in our community. It is an artifact of another era and should be removed.

We applaud previous action by the Board of Supervisors to remove the Confederate battle flag graphic that previously occupied a place on the Amherst County Seal.

We propose that the same reasonable approach will be taken to remove the "noble cause" ideology that, after a century, still survives. It is controversial, divisive, and a liability. The only kinds of publicity that Amherst County needs are those which project positive and welcoming attitudes toward all residents, visitors, and commercial enterprises – "A Perfect Slice of Virginia."

We anticipate that the board will address this topic in a timely manner. Our goal is a solution that is amenable to our community. We stand ready to collaborate.

Thank you for your attention to this serious matter;

Gloria T. Witt

NAACP Amherst County Branch 7045

Gloria T. Witt, President

Beverly Jones, Vice President

Jackie Bibby, Secretary

David Moseley, Treasurer

Phyllis Bennett, Assistant Treasurer

The Rev. Kathy Chase, Episcopal Diocese of Southwestern Virginia

D.W. Glasser, Education Committee

Suzanne Chambers, Political Action Committee

Barbara Pryor, Retired Virginia Magistrate

Margaret and John McFadden

Nancy Lewis, Chair, Membership Committee

JaShaun Clark, Co-Chair, Juneteenth Festival

Altra Reid, Co-Chair, Juneteenth Festival

Melodie Fletcher, Communication Committee

Reggie Parrish, Chair, Scholarship Committee

Rob Samuel, Chair, MLK Day

Roger Willis, Chair, Criminal Justice Committee

Staff



Proffers for Conditional Zoning
County of Amherst, Virginia
153 Washington Street, Amherst, VA. 24521

Mailing Address: Planning Department, P.O. Box 390, Amherst, VA. 24521
Phone: (434) 946-9303 **Facsimile:** (434) 946-9370

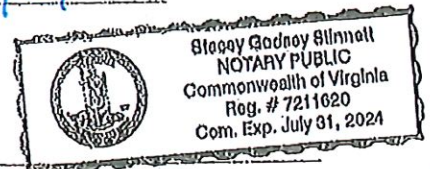
☒ Original ☐ Amended Rezoning Case Number 2023-034

Pursuant to Section 1005.02 of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Russell E. Nixon Russell E. Nixon 5/5/23
Signature of Owner or Applicant / Print Name Date

I, Stacy G. Sturt A NOTARY PUBLIC IN AND FOR Amherst COUNTY, IN THE STATE OF Virginia, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED HEREON, HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS 5th DAY OF May, 2023. MY COMMISSION EXPIRES: 7/31/24

Stacy G. Sturt
NOTARY PUBLIC



Please handwritten voluntary proffers below this line:

- 1) Applicant to upgrade entrance to minimum pavement onto Coleman Road and maintain the portion of the road being used by the Automotive Center from the entrance to where the Automotive Center property stops and construct a gate at the truck entrance off Coleman Road as shown on concept plan.
- 2) When screening is required, there will be an increase of the screening width from 20' to 25' wide.
- 3) Utilities will be underground.
- 4) Site shall be built to substantial compliance with the concept plan signed 04/14/23.
- 5) Storm water Management Facilities will be designed to provide 30% Run-off Improvement Factor instead of the 20% required under the law.



Proffers for Conditional Zoning
County of Amherst, Virginia
153 Washington Street, Amherst, VA. 24521

Mailing Address: Planning Department, P.O. Box 390, Amherst, VA. 24521
Phone: (434)-946-9303 Facsimile (434) 946-9370

☒ Original ☐ Amended

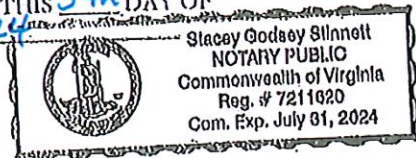
Rezoning Case Number 2023-038

Pursuant to Section 1005.02 of the County Code, the owner or duly authorized agent hereby voluntarily proffers the following conditions which shall be applicable to the property, if rezoned:

Russell E. Nixon 5/5/23
Signature of Owner or Applicant / Print Name Date

I, Stacey G. Stinnett, a NOTARY PUBLIC IN AND FOR Amherst COUNTY, IN THE STATE OF Virginia, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED HEREON, HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS 5th DAY OF May, 2023. MY COMMISSION EXPIRES: 7/31/24

Stacey G. Stinnett
NOTARY PUBLIC



Please handwrite voluntary proffers below this line:

- 1) The Applicant will TAKE FULL RESPONSIBILITY TO UPGRADE FROM THE END OF THE PROPOSED PAVED ENTRANCE FOR THE COMMERCIAL PROPERTY TO MEET THE AMHERST COUNTY FIRE ACCESS REQUIREMENTS AS PROVIDED BY THE DIRECTOR OF PUBLIC SAFETY, AS SHOWN ON THE CONCEPTUAL PLAN SIGNED 04/14/23.
- 2) The Applicant will PROVIDE EMERGENCY PERSONAL ACCESS TO THE REAR OF THE TOWNHOUSE DEVELOPMENT AS SHOWN ON THE CONCEPT PLAN DATED 10/01/22 AND SIGNED 04/14/23.
- 3) The Applicant will construct gated ENTRANCE AT THE COLEMAN ROAD REAR LOCATION FOR THE EMERGENCY ACCESS AT THE REAR OF THE TOWNHOUSE DEVELOPMENT, AS SHOWN ON THE CONCEPT PLAN DATED 10/01/22 AND SIGNED 04/14/23.
- 4) WHEN SCREENING IS DONE A DOUBLE STACK OF EVERGREENS WILL BE PLANTED BETWEEN TOWNHOUSES AND RESIDENTIAL DWELLINGS
- 5) PROVIDE RIGHT TURN LANE INTO NEW ENTRANCE ALONG DILLARD ROAD AS SHOWN ON CONCEPT PLAN DATED 10/01/2022 AND SIGNED 04/14/23.

over

6.) Utilities will be underground.

7.) Site shall be built to substantial Compliance with the site plan dated 10/01/2022 AND signed 04/14/2023.

8.) Storm water Management Facilities will be designed to provide a 30% RUNOFF improvement factor instead of the 20% Required UNDER The Law.