



BOOK 39
Page 79-86



AMHERST COUNTY
BOARD OF SUPERVISORS

Board of Supervisors

Drew Wade, Chair
District 5
Claudia Tucker, Vice-Chair
District 2
David W. Pugh, Jr., Supervisor
District 4
Tom Martin, Supervisor
District 1
Chris Adams, Supervisor
District 3

MINUTES

July 16, 2024

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 July 16, 2024, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

Drew Wade, Chair
Claudia D. Tucker, Vice-Chair
Tom Martin, Supervisor
Chris Adams, Supervisor

ABSENT: David W. Pugh, Jr., Supervisor

STAFF:

Jeremy S. Bryant, County Administrator
Stacey McBride, Deputy County Administrator/Finance Director
Mark Popovich, County Attorney
Kristen Freeman, Clerk

Chairman Wade 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 Chairman Wade and with the following vote, the Board approved the agenda with the amendment of moving Section XI. Departmental Reports Item A. Planning Commission - Annual Report and Item B. Treasurer's Quarterly Report above Section V. Public Hearing .

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

III. Invocation and Pledge of Allegiance

Chairman Wade made the following statement:

Ladies, gentlemen, and all those watching from home, before we pray, I want to take a brief minute to discuss the attack we as a nation witnessed on Saturday. This was a heinous act committed by an individual of which we should all agree should be condemned. However, this has not been the case. For those out there, and I have already heard some, saying the shooter was stupid or failed for missing, shame on you. Regardless of political affiliation, ideology, or whatever creed you live by, there is no place for violence towards any political candidate or elected leader, whether that be President Trump, President Biden, or Mr. Kennedy. Over the next few days, weeks, and months gearing up towards the election for the Presidency, we need to keep in mind that at the end of the day, everyone wants and should be able to go home to their family. The best way for this to happen is to show respect for others, even if our views are not in alignment. For those impacted by Saturday's event, and this includes President Trump, I ask that you act with mercy and compassion rather than with anger or malice. Show that we, as a society, can be better. Show that we, as the United States, are better than the divisions some have tried to separate us into. After all, Saturday proved that regardless of our differences, we all bleed the same. For those that lost a family member or friend, and this applies to both the shooter and Mr. Comperatore, I pray that you find comfort and peace amidst the storm you are now facing. Despite our disagreements, let us not lose sight of the fact that we are Americans. I ask that you pray continuously for our nation. Pray for our leaders, whether you like them or not, and pray God's blessings on our country.

Supervisor Martin led the Invocation and Supervisor Adams led the Pledge of Allegiance.

IV. Citizen Comment

Mary Katherine Allen addressed the Board, asking for a donation for the baseball teams headed to the World Series.

By motion of Chairman Wade and with the following vote, the Board donated \$2,000 to each team from Amherst County attending the World Series.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

V. Public Hearing

A. Rezoning 2024-287 Silas E. McDaniel

Request by Silas McDaniel for a rezoning of approximately 2.468 acres from the R-2, General Residential District to the B-2, General Commercial District. The purpose of the rezoning is to allow for a towing business and storage lot. The property is identified as tax map number 83-A-23A.

Planning Commission Recommended Approval of Rezoning 2024-287, 5-0.

Supervisor Martin commented that the property line into Toytown Road comes back at a very sharp angle and point and that looking at the conceptual plan, it looks somewhat different. Mr. Martin stated that looking at the aerial photography, it looks like the entrance to that lot is coming across somebody else's property, and that is not being rezoned with that. Mr. Martin questioned how the applicant could have commercial access across a piece of property owned by someone else and that would not be rezoned. Mr. Creasy stated that the GIS system is not completely accurate and that this information has been sent off to VDOT and they have indicated that there will be no issue putting in a low-volume commercial entrance. The GIS does not show that the applicant has actual frontage along toward Toytown Road.

The Public Hearing was opened.

Proponents: None

Opponents: None

The Public Hearing was closed.

Supervisor Martin stated that going from the R2 General Residential District to the B2 Commercial zoning and then straight to a conditional use permit for a towing yard is probably too far at this time. He stated that there would be residences on both sides of it, and he felt it was too much at this time, too far to go.

By motion of Supervisor Martin and with the following vote, the Board denied Rezoning 2024-287.

AYE: Mr. Wade, Mr. Martin, Mr. Adams

NAY: Mrs. Tucker

ABSENT: Mr. Pugh

B. Special Exception 2024-288 Silas E. McDaniel

The item was skipped due to the denial of Rezoning 2024-287.

C. Conditional Rezoning 2024-225 Norman Walton, Perkins & Orrison Inc.

Request by Norm Walton, PE (Perkins and Orrison, Inc.) for a conditional rezoning of approximately 1.008 acres from the B-2, General Commercial District to the Mixed-Use / Traditional Neighborhood District. The purpose of the rezoning is to allow for multi-family dwellings and open space. The property is located at 4673 S. Amherst Highway and is further identified as tax map number 156-1-4.

The Commission recommended approval of Conditional Rezoning 2024-225 with the submitted proffers, 5-0.

The Public Hearing was opened.

Proponents: Sam Patel

Opponents: None

The Public Hearing was closed.

By motion of Chairman Wade and with the following vote, the Board approved conditional rezoning 2024-225 with the submitted proffers.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

D. Conditional Zoning Amendment 2024-226 Norman Walton, Perkins & Orrison Inc.

Request by Norm Walton, PE (Perkins and Orrison, Inc.) for an amendment to the proffers and master development plan associated with conditional rezoning(s) 2022-204 and 2022-283. The property is identified as Tax Map Number(s) 156-1-4, 156-A-3, 156-A-2, 156-A-5, 156-1-9, 156-1-A, 156-1-2,3,4A,5, and C.

The Planning Commission recommended approval of Conditional Zoning Amendment 2024-226, with the submitted proffers to the Board of Supervisors, 5-0.

Submitted Proffers

1. All site plans are to be built generally in accordance with the Master Plan dated 6/12/2024.
2. All new utilities are to be underground.
3. All roads will be built to the Virginia Department of Transportation (VDOT) standards.
4. The apartment buildings in Area 1 of the Master Plan dated 6/12/2024 will be white brick for the first three stories, the top story will use materials such as cementitious siding and External Insulation Finishing System (EIFS) on the top level and cornice lines as attached hereto as Exhibit B.
5. All site plans are to be submitted and all improvements are to be built in conformance to all regulations found in the Amherst County Zoning and Subdivision Ordinance. The property will be generally in accordance with the Master Plan dated 6/12/24. All applicable local, state and federal regulations shall be met.
6. All new utilities are to be underground.
7. All roadway improvements necessary to safely and efficiently accommodate traffic from the project will be completed per the traffic study as submitted by the developer with VDOT accepting the required improvement recommendations.
8. All of the open space and parks (with the exception of the park outlined in proffer #9) as shown on the Master Plan dated 6/12/2024 will be incorporated and maintained into a property owners association.
9. The owner will donate the approximately 13 acre park shown on the Master Plan that lies between the townhomes on the south end and apartments/patio homes on the north end to the County. Prior to donation to the County, the park will be cleared and graded to accommodate the buildings and uses that are currently proposed on the Master Plan. Prior to donation, the trails shown on the Master Plan within the park parcel shall be constructed in general conformance with the Master Plan; the trails will be meet the typical section found on the "Proposed Roadway & Sidewalk Plan dated 6/12/2024. Also, prior to donation, the access roads and parking areas for the park parcel as shown on the Master Plan shall be constructed in general conformance to the Master Plan. After the park has been graded, improved with trails and roads the property shall be stabilized to meet Virginia Erosion and Sediment Control/Storm water regulations it shall then be deeded with a survey and properly recorded to the County, the County will take over ownership and maintenance of the park and construct improvements to develop it as a public use park. The park shall be completed and properly deeded to the County within 1-year of the main boulevard meeting VDOT standards.
10. Buildings shown on the Master Plan that have frontage on a main boulevard and border the "Neighborhood Center" as shown on the Site Use Coverage Map, shall be oriented toward the boulevard, where topography and VDOT standards allow.
11. Boulevards that are constructed between the "Neighborhood Center" and the "Residential Neighborhood" shall be tree lined on both sides with street trees having at least 1.5 inch caliper width measured at 5 feet off the ground and with a spacing that meets landscaping requirements found in the Amherst County Zoning Ordinance and have sidewalks built on the "Residential Neighborhood" side of the street.
12. Water quality will be addressed through a combination of Best Management Practices (BMP's) and low impact development standards. Design of water quality measures is subject to approval of the Zoning Administrator or designee and the Department of Environmental Quality.
13. Design standards: Building Materials shall consist of only the following: a. The following building facade materials are permitted in the Madison Heights Town Centre. i. horizontal wood, Board and batten, vinyl, or fiber-cement textured siding, wood brackets, decorative elements, sculpture ii. brick, stone, tinted and textured concrete masonry units, stucco, terra cotta, ceramic tile iii. decorative metal grill work and sculpture, but no extensive metal sheathing b. Within the core area, buildings shall be clad primarily in masonry, though areas above the first floor may be clad in wood, vinyl, or fiber-cement textured siding, provided, however, that such siding shall cover no more than 20% of any building facade. c. Windows and doors shall be individually defined with detail elements, such as frames, sills, and lintels.

The Public Hearing was opened.

Proponents: Sam Patel

Opponents: None

The Public Hearing was closed.

By motion of Chairman Wade and with the following vote, the Board approved conditional zoning amendment 2024-226 with the submitted proffers.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

E. Special Exception 2024-292 Norman Walton, Perkins & Orrison Inc.

Request by Norm Walton, PE (Perkins and Orrison, Inc.) for a special exception in the Mixed-Use / Traditional Neighborhood District. The purpose of the special exception is to allow for four multi-family dwelling units (apartments), open space, and a clubhouse with a pool. The property is identified as 4673 S. Amherst Highway (a portion of) and is further identified as Tax Map Number(s) 156-1-4 (a portion of), 156-1-5, 156-1-4A (a portion of), 156-1-A (a portion of), 156-A-5 (a portion of), and 156-1-C.

The Commission recommended approval of Special Exception 2024-292 with staff's recommended conditions to the Board of Supervisors, 5-0.

Planning Commission's Recommended Conditions

1. Master Plan: That the apartment buildings and complex are built generally in accordance with the Master Plan dated 6/12/2024 and comply with all approved proffers from the Conditional rezoning amendment (2024-304).
2. Regulations: All other local, state and federal regulations shall apply.

The Public Hearing was opened.

Proponents: Sam Patel

Opponents: None

The Public Hearing was closed.

By motion of Chairman Wade and with the following vote, the Board approved special exception 2024-292 with Planning Commission's recommended conditions.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

VI. Consent Agenda

By motion of Vice-Chair Tucker and with the following vote, the Board approved the Consent Agenda for July 16, 2024 with the exception of Item C. Carry Forward FY24 funds for Monelison Rescue Squad.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, Mr. Adams

NAY: None

ABSENT: Mr. Pugh

A. Minutes - June 18, 2024

It was moved that the Board adopt the minutes of June 18, 2024.

B. Minutes - June 25, 2024 Budget Adoption

It was moved that the Board adopt of June 25, 2024 Budget Adoption.

C. Carry forward FY24 funds for Monelison Rescue Squad

The Board tabled this item and directed staff to bring it back at a later date with more information.

D. Resolution 2024-8-R Kroger Settlement

It was moved that the Board adopt Resolution 2024-8-R as presented.

E. Appropriation of Public Works funds

It was moved that the Board appropriate \$216,000 from the Solid Waste fund balance to the Construction fund for the Transfer Station Project.

VII. Old Business

A. County Administrator Change (CAC) - COLA Wage Structure Adjustment

The Board tabled this item and directed staff to bring back more information and options at a later date.

VIII. New Business

A. Overlay Zoning District - Virginia Blue Ridge Railway Trail

Vice-Chair Tucker requested that a presentation on this topic be given to the Agriculture Committee.

The Board directed staff to continue working on this item.

IX. County Attorney's Report

The County Attorney had no matter to discuss.

X. Liaison and Committee Reports

A. Emergency Services Council - Chris Adams

Supervisor Adams reported that the Emergency Services Council is working on updating the Standard Operating Guidelines and Procedures for the volunteer agencies. He stated that the Emergency Services Council did not have a meeting in July but will pick back up in August as they have been meeting monthly while working on the new guidelines and procedures. Mr. Adams also stated that he would like to see a new way of forward-thinking plans on distributing the Emergency Services Council funds.

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

Supervisor Martin stated that Parks and Recreation continue to meet monthly and that the Seminole Bark Park is about two months behind on opening. Mr. Martin also stated that senior luncheons are still going well and that a football camp will be held on July 20, 2024.

C. Agriculture Committee - Claudia Tucker

Vice-Chair Tucker reported that the Agriculture Committee continues to work on their ordinance with the help of Mr. Creasy. She also stated that they Agriculture Committee continues to work diligently on the county fair and that this year there will be even more of a focus on Agriculture.

XI. Departmental Reports

A. Planning Commission - Annual Report

Planning Commission Chair, Mr. Derin Foor provided the Board with an annual report.

B. Treasurer's Quarterly Report

For the Board's information.

XII. Citizen Comment

There was no public comment.

XIII. Matters from Members of the Board of Supervisors

Chair Wade had no matter to discuss.

Vice-Chair Tucker had no matter to discuss.

Supervisor Martin stated that there is a truck storage lot on Route 29 that was going to have it's special exception permit revoked last year but was given extra time to resolve some issues. Mr. Martin asked staff to go take a look at that site as well as find out how many vehicles are being sold per year from that business.

Supervisor Adams asked how the new financial software was coming along and he brought up an item of concern asking where the FY23 audit stands. This will be an item on the August 6, 2024 agenda.

XIV. Closed Session

- A. A closed session for the limited purpose of (1) consultation with legal counsel retained by the Board regarding specific legal matters requiring the provision of legal advice related to the disposition or acquisition of real property regarding the Winton property pursuant to Sec. 2.2-3711(A)(3) and (8); (2) discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position of the public body regarding property District 3 pursuant to Sec. 2.2-3711(A)(3); (3) consultation with legal counsel retained by the Board regarding specific legal matters requiring the provision of legal advice related to a Board member, in their official capacity, assisting in seeking a legislative change related to the issuance of *Brady* letters pursuant to Sec. 2.2-3711(A)(8); and (4) consultation with legal counsel pertaining to actual litigation where such consultation in open meeting would adversely affect the litigating posture of the county related to the Fisher special exception pursuant to Sec. 2.2-3711(A)(7) of the Code of Virginia.

Chairman Wade motioned to go into closed session and was approved with the following vote:

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, and Mr. Adams

NAY: None

ABSENT: Mr. Pugh

Supervisor Adams recused himself from closed session Item 2 discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position of the public body regarding property in District 3 pursuant to Sec. 2.2-3711(A)(3).

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

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, and Mr. Adams

NAY: None

ABSENT: Mr. Pugh

XV. 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. Wade: AYE

Mrs. Tucker: AYE

Mr. Martin: AYE

Mr. Adams: AYE

XVI. Adjournment

By motion of Supervisor Adams and with the following vote, the Board adjourned at 10:40 pm.

AYE: Mr. Wade, Mrs. Tucker, Mr. Martin, and Mr. Adams

NAY: None

ABSENT: Mr. Pugh



Drew Wade, Chair
Amherst County Board of Supervisors

Jeremy Bryant, County Administrator