

**BOARD OF SUPERVISORS
REGULAR SCHEDULED MEETING
MONDAY, MAY, 15, 2023
6:00 P.M.**

The Appomattox County Board of Supervisors held its budget work session and regular scheduled meeting on Monday, May 15, 2023 at 6:00 p.m. in the Board of Supervisors meeting room located at 171 Price Lane, Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

Samuel E. Carter	Courthouse District
William H. Hogan	Appomattox River District
John F. Hinkle	Falling River District
Trevor L. Hipps	Wreck Island District
Alfred L. Jones, III	Piney Mountain District

Also, Present:

Susan M. Adams, County Administrator
Tom Lacheney, County Attorney
Johnnie Roark, Planning/Zoning/Economic Administrator/Deputy Director of Operations
Wanda McCormick, Accounts Payable Specialist/Admin. Asst.
Kayla Marshall, Finance Specialist/Admin. Asst.
John Spencer, Information Services Manager/Purchasing Agent

CALL TO ORDER – Chairman Carter called the meeting to order at 6:00 p.m.

Pledge of Allegiance

Invocation – Mr. Hinkle

SETTING OF AGENDA

Motion made by Mr. Hinkle, seconded by Mr. Jones and carried with all other members present, voting yes to approve the agenda, as presented.

WORK SESSION

Mr. Johnnie Roark discussed the capital improvement plan projects with the Board that are on the priority list for fiscal years 2023 through 2028.

Motion made by Mr. Hogan, seconded by Mr. Hinkle to approve the FY 2023 CIP projects in the amount of \$184,000. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes.

Motion made by Mr. Hinkle, seconded by Mr. Hipps to carry forward remaining CIP funds each fiscal year. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes.

CITIZEN PUBLIC COMMENT PERIOD

Mrs. Eleanor Johnson who resides at 125 Hawk Lane, Pamplin, Virginia addressed the Board and thanked them and VDOT for surface treating Hawk Lane.

APPEARANCES

Mr. John Spencer, Purchasing Agent for Appomattox County appeared before the Board and provided an update on the Courthouse study.

PUBLIC HEARING – VDOT Six-Year Plan

At 6:17 p.m. after due notice was given, Chairman Carter called the Public Hearing to order to receive comments on the VDOT Six-Year Plan FY 2024 through FY 2029. Mr. Robert Brown, VDOT Appomattox Residency Administrator addressed the Board and provided details on the VDOT Six-Year Plan and the Secondary System Construction budget for FY 2024. The Public Hearing was closed at 6:29 p.m. after receiving no further comments. Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all other members present, voting yes to approve the VDOT Six-Year Plan FY 2024 through FY 2029.

PUBLIC HEARING – CUP220931 Verizon Wireless (Applicant), Stuart Squier (Agent), and Willard D. Lancaster (Property Owner)

At 6:33 p.m. after due notice was given, Chairman Carter called the Public Hearing to order to receive comments on a Conditional Use Permit (CUP) located off Holiday Lake Road in the Appomattox area. The applicant proposes to construct a 199' wireless communication facility (cellular tower) on the property. Mr. Johnnie Roark, Zoning Administrator gave a brief overview of the CUP. Mr. Charles Alvis with the Williams Mullen law firm addressed the Board on behalf of Verizon Wireless and presented a power point on the cell tower. The Public Hearing was closed at 6:45 p.m. after receiving no further comments.

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT (220931) IN THE APPOMATTOX RIVER DISTRICT FOR VERIZON WIRELESS/STUART SQUIER (APPLICANT/AGENT), WILLARD D. LANCASTER (PROPERTY OWNER) TO LOCATE A WIRELESS COMMUNICATION FACILITY (CELLULAR TOWER) OFF OF HOLIDAY LAKE ROAD IN THE HIXBURG COMMUNITY

WHEREAS, Willard D. Lancaster (Property Owner), Verizon Wireless/Stuart Squier (Applicant/Agent) have applied for a conditional use permit to locate a Wireless Communication Facility (Cellular Tower) off Holiday Lake Road. The property zoning is A-1, Agricultural Zoning District. The property is further identified as Tax Map Identification Number 56 (A) 15A and is located on the north side of Holiday Lake Road near the intersection of Coleman Mountain Road in the Hixburg community; and

WHEREAS, the land use "Wireless Communication Facility" is a conditional use within the A-1, Agricultural Zoning District; and

WHEREAS, the petition was referred to the Planning Commission, which held a duly advertised and noticed public hearing on December 14, 2022, and the Planning Commission received comments from the general public; and

WHEREAS, in response to these comments, Verizon Wireless requested the petition to be tabled and redesigned the project, moving the tower location approximately 200 feet to the north and east, as a means to satisfy community concerns; and

WHEREAS, in April of 2023, the Planning Commission weighed the information related to the zoning, land use, transportation, environment, the comprehensive plan, comments from the public, and other factors; and found that for reason of public necessity, convenience, general welfare, and good zoning practice, the Planning Commission recommends approval of the petition with the following conditions;

1. The Wireless Communication Facility (WCF) will be constructed in general conformance with the REVISED concept plan submitted April 3, 2023 (concept plan stamped March 28, 2023), Site Name "Hurtsville", prepared by NB+C Engineering Services LLC).
2. The CUP is to allow one WCF (tower) in the A-1, Agricultural Zoning District located on Tax Map Number 56 (A) 15A.
3. The tower shall be a steel monopole type construction with a tower height, including antenna, lightning rod and other appurtenances, limited to a maximum height of 199 feet from average grade.
4. Land disturbance associated with the facility shall be limited to the area designated on the Plan.
5. There shall be no lights on the tower facility unless required by the Federal Aviation Administration.
6. There shall be no signs on the tower other than an identification sign required by the Federal Communications Commission or other federal or state agency.
7. The applicant shall install a security fence along the perimeter of the base of the tower.
8. The applicant shall maintain a sign on the security fence identifying the name of the tower owner and a telephone number to call in the event of an emergency.
9. Once the tower is no longer in use, written notice shall be sent to the County Administrator specifying the discontinuance of use of the facility. The applicant or successor shall be responsible for removal of all facilities and structures within ninety (90) days of receipt of an abandonment notice.
10. In accordance with Section 19.6-92.9 (C) Local Government Access, the applicant shall provide Appomattox County Public Safety with collocation opportunities in order to install equipment, including ground equipment, necessary to enhance the localities emergency services communication system. Appomattox County Public Safety will follow Verizon Wireless' (the applicant's) normal collocation intake procedures in order to submit an application for said equipment.
11. Any frequencies or signals emitted by equipment at the facility shall not interfere with or be incompatible with communications frequencies associated with the County's Emergency 911 system.

12. This CUP may be revoked or conditions amended by the Board of Supervisors for violation of these conditions or any applicable County, Federal, or State code, law, ordinance, or regulation.

WHEREAS, the petition has been duly advertised and noticed for public hearing before the Board of Supervisors on May 15, 2023, with said public hearing being held and comments received; and

WHEREAS, the Board of Supervisors concurs with the recommendation of the Planning Commission and finds that the proposed use is consistent with the comprehensive plan, the zoning ordinance, and good zoning practice and would generally promote the health, safety, and general welfare of the public;

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby grants Willard D. Lancaster (property owner), Verizon Wireless/Stuart Squier (applicant/agent), a conditional use permit, including said conditions, to locate a Wireless Communication Facility (Cellular Tower) on property herein described.

Motion made by Mr. Hogan, seconded by Mr. Jones and carried with all other members present, voting yes to adopt the Resolution granting a Conditional Use Permit (#220931) in the Appomattox River District for Verizon Wireless to locate a wireless communication facility (cellular tower) off of Holiday Lake Road in the Hixburg community.

PUBLIC HEARING – “Proposed” FY 2024 Budget

At 6:48 p.m. after due notice was given, Chairman Carter called the Public Hearing to order to receive comments on the “Proposed” FY 2024 Budget. Dr. Annette Bennett, School Superintendent addressed the Board concerning the School budget in which she requested 100% of the local share and answered questions from the Board in reference to the School budget. Mrs. Patricia Morton, Registrar for Appomattox County addressed the Board and requested funding in the amount of \$40,000 for a full-time Deputy Registrar in the FY 2024 budget. The Public Hearing was closed at 7:14 p.m. after receiving no further comments.

ACTION ITEMS

Mr. Bruce Jones, Senior Extension Agent appeared before the Board and discussed his department’s current (FY 2023) budget shortfall of \$2,099.64 due to salary increases that was authorized by Virginia Tech. Motion made by Mr. Hipps, seconded by Mr. Hinkle to approve the transfer of \$2,099.64 from the Operating Reserve, 1101-5804 and supplement to 8303-1001 (Salaries & Wages). Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes.

Resolution for Personal Property Tax Relief Program

RESOLUTION

BE IT RESOLVED THAT in accordance with the requirements set forth in Section 58.1-39524 (C) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 if the 2005 Acts of Assembly any qualifying vehicle sitused within the County commencing January 1, 2012, shall receive personal property tax relief in the following manner:

- Personal use vehicle valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 25% of tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 25% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

Motion made by Mr. Hinkle, seconded by Mr. Hipps to adopt the 2023 Personal Property Tax Relief Resolution. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes.

COMMITTEE APPOINTMENTS

The recommendation of a representative to fill the vacancy on the Central Virginia Alliance for Community Living Committee was tabled to the June 20, 2023 meeting.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

May 3, 2023	\$38,345.15
May 11, 2023 - Juror Checks	\$1,830.00
May 12, 2023 - CSA	\$202,914.22
May 15, 2023	\$174,094.07
TOTAL:	\$417,183.44

STAFF RECOMMENDATION: Please review and consider approval of the attached invoices for payment.

Minutes

Please review the following DRAFT minutes for approval:

April 17, 2023 Regular Scheduled Meeting

April 25, 2023 Budget Work Session Meeting

Commissioner of the Revenue Refund Request

Mrs. Sara Henderson, Commissioner of the Revenue is requesting the following to be paid from line item **1209-5803 Refunds**:

1) Refund Sherease Harris Booker **\$202.39** for 2022 Personal Property taxes. She paid Campbell County and Appomattox County. Per staff, the vehicle was sold on 12/30/21 and she moved to Campbell County on 5/10/2022.

STAFF RECOMMENDATION: Consider the above refund. Transfer by consent from the General Fund and supplement \$202.39 to 1209-5803. No new local funds are required.

Building Official Request

Mr. Lonny Hamlett, Building Official is requesting that Wooldridge Heating Air Electrical, Inc. be refunded for Permit #230261 in the amount of \$21.00. The customer cancelled the work to be performed by Wooldridge Heating Air Electrical, Inc.

STAFF RECOMMENDATION: Per Mr. Hamlett's request, consider the refund of building permit #230261 in the amount of \$21.00.

Victim Witness Advocate Grant

Please transfer by consent from the General Fund and supplement the following:

2220-5416 Program Supplies **\$695.00**

RE: Invoice for Victim Witness Advocate printer was paid out of the FY22 and FY23 grant funds. Staff has submitted a request to SHI International to refund \$695.00 back to the County for the overpayment.

STAFF RECOMMENDATION: Transfer requested funds from the General Fund and supplement by consent \$695.00 to 2220-5416.

County Administration

Please supplement by consent and appropriate the following:

1201-5401 Office Supplies **\$91.29**

RE: Reimbursement from Pitney Bowes for an overpayment. Invoice was paid on County credit card and by check.

STAFF RECOMMENDATION: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime \$2,585.92

3102-1003 Part-Time Salaries \$1,143.14

3102-5503 Travel (Susistance/Lodging) \$140.01

3102-5805 Project Lifesaver \$20.00

3102-7005 Motor Vehicle/Equipment \$14,906.00

TOTAL: \$18,795.07

RE: Reimbursement from School Board for security performed at Appomattox High and Middle School spring sporting events (\$2,585.92); Reimbursement from School Board for extra security performed at the Schools (\$1,143.14); Reimbursement from the Virginia Sheriff's Institute for hotel stay for the Administrative Conference (\$140.01); Donation received from Lorraine H. Torrence for Project Lifesaver (\$20.00); Reimbursement from VACORP for 2016 Dodge Durango that was totaled (\$14,906.00).

STAFF RECOMMENDATION: No new local funds are required.

Treasurer's Office

Please supplement by consent and appropriate the following:

1213-5808 DMV Stops **\$4,250.00**

RE: DMV stops performed by the Treasurer's Office

STAFF RECOMMENDATION: No new local funds are required.

Animal Shelter Operations

Please supplement by consent and appropriate the following:

3501-5413	Spay/Neuter Program	\$1,280.00
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3501-5804	Donations	\$585.00
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TOTAL:		\$1,865.00
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RE: Funds received through adoptions (\$1,280.00); Donations received for Animal Shelter (\$585.00).

STAFF RECOMMENDATION: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5401	Office Supplies	\$718.33
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7301-5411	Books	\$210.41
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7301-5415	Summer Reading	\$200.00
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TOTAL:		\$1,128.74
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RE: Reimbursement for Office Supplies (\$718.33); Funds received from sale of books (\$210.41); Funds received for Summer Reading Program (\$200.00).

STAFF RECOMMENDATION: No new local funds are required.

Department of Social Services

Please supplement by consent and appropriate the following:

015-5301-2002	VRS	\$14,921.32
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015-5301-2006	Group Life	\$976.73
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015-5301-2002	ICMA-RC	\$1,289.42
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TOTAL:		\$17,187.47
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RE: Reimbursement from DSS for April, 2023 payroll deductions.

STAFF RECOMMENDATION: No new local funds are required.

Motion made by Mr. Hinkle, seconded by Mr. Hogan to approve the Consent Agenda, as presented. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes.

ADMINISTRATOR'S REPORT

- County Department Reports

REPORTS AND INFORMATIONAL ITEMS

- Robert E. Lee Soil & Water Conservation District Meeting Minutes
- School Financial Report

SUPERVISOR CONCERNS

Mr. Hinkle stated that in the Facilities Committee meeting, it came up that the old Courthouse renovation may cause concern about moving heavy equipment around the Veterans Memorial. He has reached out to Veterans organizations to inquire about moving the Memorial to Courtland Park or the American Legion Post, which is at a 60/40 vote.

Mr. Hogan stated that he was glad that Mrs. Johnson was able to get her road surface treated. Also, he stated that today is Police Officers Memorial Day and recognized the officers who have ultimately sacrificed their lives in the line of duty. He thanked the Sheriff's Department and all the law enforcement officers that serve our county for what they do for the citizens of Appomattox County.

ADJOURNMENT

Motion made by Mr. Hinkle, seconded by Mr. Carter and carried with all other members present, voting yes to adjourn at 7:37 p.m.

Samuel E. Carter, Chairman