

**BOARD OF SUPERVISORS
BUDGET WORK SESSION & REGULAR MEETING
TUESDAY, FEBRUARY 21, 2023
6:00 P.M.**

The Appomattox County Board of Supervisors held its budget work session and regular scheduled meeting on Tuesday, February 21, 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, Community Development Director
Wanda McCormick, Accounts Payable Specialist/Admin. Asst.
Kayla Marshall, Finance Specialist/Admin. Asst.
Ace Bailey, Information Technology Systems Mgr.

CALL TO ORDER – Chairman Carter called the meeting to order at 6:02 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 amend the Consent Agenda to include an invoice payable to Magic City CDJR Bedford in the amount of \$37,212.00.

APPEARANCE

Congressman Bob Good appeared before the Board and provided a legislative and economic update.

BUDGET WORK SESSION

Chairman Carter stated that he was in a state of shock in hearing that there are no more monetary funds to operate the Chamber of Commerce through May or June 2023. He hopes that the local businesses will start joining Chamber of Commerce.

Mrs. Susan Adams encouraged the Board to reach out if they had any questions concerning the FY 2024 budget.

CITIZEN PUBLIC COMMENT PERIOD

Mr. Steve Boyer, President of the Appomattox Chamber of Commerce appeared before the Board and provided an update that the Chamber had received funds in the amount of \$3,000.00 and should be able to operate through June, 2023.

APPEARANCES

Mr. Taylor Stover, CPA with Robinson, Farmer, Cox Associations appeared before the Board and presented the final FY 2022 audit report.

Ms. Melissa Lucy, CEO of Horizon Behavioral Health appeared before the Board and provided an update on behavioral health services.

PUBLIC HEARING – Amendment to Transient Occupancy Tax

At 6:38 p.m. after due notice was given, Chairman Carter called the Public Hearing to order to receive public comments on the amendment to the transient occupancy tax. The public hearing was closed at 6:39 p.m. after no public comments were received. Motion made by Mr. Hinkle, seconded by Mr. Hipps to adopt the amendment to Appomattox County Code, Chapter 3-Administration, Article 7-Taxation and Fees, Division 18-Transient Occupancy Tax, §3.7-55 through §3.7-62. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes, Mr. Hogan-yes; Mr. Carter-yes.

Article VII – Taxation and Fees

Division 18 - Transient Occupancy Tax

§3.7-55 Imposed

Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to two percent (2%) of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.

Exemptions

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

§3.7-56 Definitions

The following words and phrases when used in this Article, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or

space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than \$0.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

(1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;

(2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person;
or

(3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 *et seq.*) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

County means the County of Appomattox, Virginia.

“*Commissioner of the Revenue*” shall mean the Commissioner of the Revenue of the County of Appomattox, Virginia, or any duly authorized deputies or agents.

or

Director means Director of the local Department of Tax Administration

or any of duly authorized deputies or agents of the Director.

Discount room charge means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

Lodging Facility means any public or private hotel, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. "Room charge" includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

Retail Sale means a sale to any person for any purpose other than for resale.

Transient means any person who, for any period of less than thirty consecutive days either at his own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

§3.7-57 Collection

- (a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same.
- (b) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be

liable for the same.

§3.7-58 Report and Remittance of Tax

- (a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.
- (b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.
- (c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.
- (d) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.
- (e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.

If the remittance is made on or before the 20th day of the month, the person making said remittance may deduct 3% from said remittance as a collection fee.

- (f) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in Appomattox County on a monthly basis.

§3.7-59 Interest and penalties upon failure or refusal to remit tax.

If any accommodations provider or accommodations intermediary fails or refuses to remit

to the Commissioner, the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, the Commissioner will add a penalty of ten percent (10%), and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the applicable interest rate. Such interest will accrue from the date on which the tax was due and payable.

§3.7-60 Remission Upon Going Out Of Business

Whenever any person required to collect and pay to the County a tax under Section [insert] quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

§3.7-61 Penalty For Violation Of Article

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is \$1,000 or less, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is more than \$1,000, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this Article.

§3.7-62 Powers and duties of Commissioner generally; rules and regulations.

- A. If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to Va. Code § 58.1-3903.
- B. The Commissioner will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the Code of Virginia for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the Commissioner's office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

ACTION ITEMS

Town of Appomattox Request for Waiver of Building Permit Fee

The Town of Appomattox requested the Board's consideration to waive the building permit fee for construction activities at 214 Main Street, Appomattox VA. (Train Depot). Terry McGhee, Town Manager, was present to address questions.

Scope of work:

1. Complete repair/replacement of existing slate roof & soffits
2. Repair/replacement of decking and stairs
3. Update/replacement of exterior lighting
4. Painting of all exterior soffits, walls, windows, doors
5. Removal/reinstallation of existing railing system

General Contract awarded to:

- Jamerson-Lewis Construction
 - General Project Manager: Steven Williams Jamerson-Lewis Construction
 - Construction Manager: James Whitacre Jamerson-Lewis Construction
 - Project Manager: Jacob Caldwell Dominion Seven Architects
 - Project Owner: Terry McGhee Town of Appomattox
- Notice to proceed issued 18 Jan 2023 by Dominion Seven
- Proposed Construction Scheduling:
 - Length-65 days
 - Two phases
 - All non-roofing construction activities (Start 30-60 days from NTP) internal - Jamerson-Lewis
 - Roofing (Start TBD awaiting materials (slate) Roofer W. A. Lynch Roofing, Charlottesville
- Estimated Total Project Cost:
 - NTE \$620,203.00

Motion made by Mr. Hinkle, seconded by Mr. Hogan to waive the building permit for construction at the Train Depot in the Town of Appomattox. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes, Mr. Hogan-yes; Mr. Carter-yes.

Memorandum of Understandings for Polling Places

Ms. Patricia Morton, Registrar requested the Board's consideration to adopt the Memorandum of Understandings between the County and the Pamplin Volunteer Fire Department, Central Baptist Church, Spout Spring Ruritan Club, and the Appomattox Moose Lodge 975, as designated polling places per the recommendation of the Electoral Board.

Motion made by Mr. Hogan, seconded by Mr. Hinkle to adopt the Memorandum of Understanding for the Pamplin Volunteer Fire Department, Central Baptist Church, Spout Spring Ruritan Club, and the Appomattox Moose Lodge 975. Chairman Carter called for a roll call vote: Mr. Hipps-yes; Mr. Jones-yes; Mr. Hinkle-yes, Mr. Hogan-yes; Mr. Carter-yes.

Schedule Public Hearing for Ordinance Amendment to Change the Fiscal Address of the Spout Spring Polling Place Location

Mr. Lannis Selz, Secretary of the Electoral Board appeared before the Board to present a polling place location address change for the Spout Spring precinct to 172 Ruritan Lane, Spout Spring, Virginia 24593.

It was the consensus of the Board to authorize staff to schedule and advertise a Public Hearing for March 20, 2023 at 6:00 p.m.

Amendment to the Office of Building Inspections – Enforcement of State Building Code Ordinance

Article II - Building Construction

[HISTORY: Adopted by the Board of Supervisors of Appomattox County 7-5-2006 (Ch. 51 of the 1993 Code). Amendments noted where applicable.]

§ 19.2-1 Office of Building Inspections; enforcement of State Building Code.

- A. There is hereby established an Office of Building Inspections within the Department of Community Development, whose responsibility is to enforce the provisions of the 2018 Virginia Uniform Statewide Building Code. The Building Official may use at his/her discretion, for the purpose of reference material, any and all materials incorporated by reference into, or provisions that supersede the Virginia Uniform Statewide Building Code, including the 2009-2018 International Building Code, Appendix Q of the 2018 International Residential Code, and the 2017 National Electrical Codes and the 2008 National Electrical Code.
- B. Cost of the enforcement thereof shall be defrayed through the levying of fees by the Office of Building Inspections and as provided in § 36-105, Code of Virginia, as amended.

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all other members present, voting yes to authorize staff to schedule and advertise a Public Hearing for March 20, 2023 at 6:00 p.m.

Resolution Approving the County's Participation in the Proposed Settlement of Opioid-Related Claims Against Teva, Allergan, Walmart, Walgreens and CVS

RESOLUTION

A RESOLUTION OF THE APPOMATTOX BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Appomattox, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Appomattox's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Appomattox, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Appomattox; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide;

NOW THEREFORE BE IT RESOLVED that the Appomattox Board of Supervisors, this 21st day of February, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all other members present, voting yes to adopt the Resolution approving the County's participation in the proposed settlement of opioid-related claims against Teva, Allergen, Walmart, Walgreens, CVS, and their related corporate entities, and directing the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

February 2, 2023	\$53,346.91
February 17, 2023 - CSA	\$249,108.26
February 21, 2023	\$387,361.60
TOTAL:	\$689,816.77

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

Minutes

Please review the following DRAFT minutes for approval:

January 17, 2023 Regular Scheduled Meeting

February 8, 2023 Scheduled Work Session Meeting

Commissioner of the Revenue Refund Requests

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

- 1) Refund Glendy Yesenia Segovia and Cuadra Jesus A Galdamez **\$203.66** for 2022 Personal Property taxes paid. They reside in Prince William County where they paid 2022 Personal Property taxes.
- 2) Refund TBL Logistics LLC, **\$10,677.59** for 2021 and 2022 Personal Property taxes paid. The vehicles are interstate commerce which travel on a regular or scheduled route that qualifies the personal property tax to be prorated.

STAFF RECOMMENDATION: Consider the above refunds. Transfer by consent from the General Fund and supplement \$10,881.25 to 1209-5803. No new local funds are required.

Sheriff's Department - Federal Asset Forfeiture Account

Sheriff Simpson is requesting to transfer by consent **\$37,212.00** from the Federal Asset Forfeiture account to the General Fund and appropriate to line item **3102-5816 Asset Forfeiture**. The requested amount is payable to Magic City CDJR Bedford LLC to purchase a 2023 Dodge Charger Pursuit V8 RWD.

STAFF RECOMMENDATION: Transfer by consent \$37,212.00 from the Federal Asset Forfeiture account to the General Fund and appropriate to line item 3102-5816 Asset Forfeiture.

Animal Shelter Operations

Please supplement by consent and appropriate the following:

3501-5413	Spay/Neuter Program	\$1,510.00
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3501-5804 Donations \$455.00

TOTAL: \$1,965.00

RE: Funds received through adoptions (\$1,510.00); Donations received for Animal Shelter (\$455.00).

STAFF RECOMMENDATION: No new local funds are required.

General Properties

Please supplement by consent and appropriate the following:

4302-3004 Repairs/Maintenance **\$237.48**

RE: Reimbursement from Courtland Park Foundation for maintenance supplies purchased for the Park.

STAFF RECOMMENDATION: No new local funds are required.

Treasurer's Office

Please supplement by consent and appropriate the following:

1213-5808 DMV Stops **\$500.00**

RE: DMV stops performed by the Treasurer's Office

STAFF RECOMMENDATION: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime \$307.76

3102-5408 Vehicle Equipment/Gas Supplies \$7,405.69

3102-7005 Motor Vehicle/Equipment \$3,513.30

TOTAL: \$11,226.75

RE: Reimbursement from the Appomattox Elementary School for security performed by deputy at Cookies with Santa event (\$307.76); Reimbursement for vehicle storage fees (\$600.00) and reimbursement from VACORP for vehicle damages to a 2021 Dodge Durango (\$6,625.69); Reimbursement from VACORP for vehicle damages to 2020 Police Interceptor (\$180.00); Reimbursement from VACORP for vehicle damages to a 2012 Dodge Charger (\$3,513.30).

STAFF RECOMMENDATION: No new local funds are required.

Electoral Board

Please supplement by consent and appropriate the following:

1301-1003 Election Officials Wages \$175.00

1301-3002 Professional Services \$426.00

TOTAL: \$601.00

RE: Reimbursement from the Town of Appomattox for 2022 General Election services.

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 **\$915.60**

STAFF RECOMMENDATION: No new local funds are required.

Department of Social Services

Please supplement by consent and appropriate the following:

015-5301- 2002	VRS	\$15,438.15
015-5301- 2006	Group Life	\$1,017.15
015-5301- 2002	ICMA-RC	\$1,447.16
TOTAL:		\$17,902.46

RE: Reimbursement from DSS for January, 2023 payroll deductions.

STAFF RECOMMENDATION: No new local funds are required.

Waterline Expenses

Please supplement by consent and appropriate the following:

082-1800- 5101	Electrical Services	\$1,320.30
082-1800- 5203	Telecommunications	\$110.33
TOTAL:		\$1,430.63

RE: Reimbursement from the Town of Appomattox for waterline expenses.

STAFF RECOMMENDATION: No new local funds are required.

Motion made by Mr. Hinkle, seconded by Mr. Hipps to approve the Consent Agenda, as amended to include the Magic City Bedford invoice in the amount of \$37,212.00. 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

- Schools Financial Report for January, 2023
- Life Line Screening Event @ Appomattox Community Center

SUPERVISOR CONCERNS

Mr. Hipps reported that he was hitting the streets obtaining petition signatures for his name to appear on the ballots for re-election in November, 2023. He stated that it was shocking on how much things have changed in the last four years and is enjoying the opportunity to talk with his constituents.

Mr. Hinkle stated that we needed to remind the Town of Appomattox about the waterline request to take it over. Mrs. Adams reported that she had sent out an email to the Town again concerning this matter.

Mr. Carter reported that he had attended a Social Services meeting this morning where he was informed that moisture was getting into the Social Services offices and that they would be sending out a workorder for this issue. He also reported that the Broadband has stopped at Frank's Place and the best guess will be one to two years before installation resumes.

Mr. Hogan reported that Dominion is hanging fiber in the eastern part of the County. He spoke to a Dominion representative and this is part of the Firefly internet agreement. This summer Dominion customers should have hook ups to the fiber. Southside customers will come later and eventually everyone in the County will have access to internet.

ADJOURNMENT

Motion made by Mr. Hinkle, seconded by Mr. Carter and carried with all other members present, voting yes to adjourn at 7:16 p.m.

Samuel E. Carter, Chairman