

**BOARD OF SUPERVISORS MEETING
TUESDAY, NOVEMBER 16, 2021
6:30 P.M.**

The Appomattox County Board of Supervisors held a scheduled meeting on Tuesday, November 16, 2021 at 6:30 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
Watkins M. Abbitt	Piney Mountain District

Absent:

Trevor L. Hipps	Wreck Island District
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Also, Present:

Susan M. Adams, County Administrator
Tom Lacheney, County Attorney
Johnnie Roark, Community Development Director
Wanda McCormick, Administrative Assistant/Accounts Payable Clerk
Kayla Marshall, Finance Officer Administrator
Ace Bailey, IT Manager

CALL TO ORDER – Chairman Carter called the meeting to order at 6:30 p.m.

Pledge of Allegiance

Invocation – Mr. Hogan

SETTING OF AGENDA

Motion made by Mr. Hinkle, seconded by Mr. Hogan and carried with all members present (Mr. Hipps-absent), voting yes to approve the setting of the agenda, as presented.

APPEARANCES

Mr. Gary Christie, Executive Director for the Central Virginia Planning District Commission appeared before the Board and provided an update on the Planning District Commission. Also, Ms. Traci Blido, Executive Director for Virginia Career Works provided an update on the workforce program.

Mr. Bobby Wingfield, Appomattox County Director of Public Safety/911 Coordinator appeared before the Board and provided an update on the current staffing concerns in the 911 Department. Mr. Wingfield requested the Board's approval to transfer \$12,000.00 from the Wireless Fund and appropriate to a part-time salary line, therefore, saving on overtime salaries going forward.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to approve the transfer of \$12,000.00 from the Wireless Fund for the part-time positions and appropriate to a new part-time salary line. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

PUBLIC HEARING (7:00 P.M.) – Public Hearing American Rescue Plan Act Bonus for Sworn Sheriffs & Sheriffs' Deputies

At 7:05 p.m. after due notice was given, Chairman Carter called the Public Hearing to order for the American Rescue Plan Act Bonus for Sworn Sheriffs & Sheriffs' Deputies. The Compensation Board has approved funding for (15) sworn officers to receive a \$3,000.00 bonus, to be reimbursed by the Compensation Board. The County funds (7) locally funded sworn officer positions that staff has recommended the Board's approval to include these officers for the \$3,000.00 bonus plus FICA, \$26,049.00. After receiving no comments, the Public Hearing was closed at 7:07 p.m.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to transfer \$26,049.00 from the American Rescue Plan Act fund and supplement to county funded sworn officer positions. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

Public Hearing-RZ210610-D&D Land Holdings LLC

At 7:08 p.m. after due notice was given, Chairman Carter called the Public Hearing to order for RZ210610-D&D Land Holdings LLC. Mr. Keith Martin, owner of D & D Land Holdings LLC who resides at 766 Columbus Rd., Concord, VA appeared before the Board and requested approval to rezone property located at 121 West Haven Lane from A-1 to R-1. Also, Mr. Clayton Minnick who resides at 5890 Stage Rd., Concord, VA addressed the Board in opposition of the rezoning. After receiving no further comments, the Public Hearing was closed at 7:12 p.m.

Rezoning Application (Wreck Island District) for D & D Land Holdings LLC, who is seeking to rezone 8.054 acres from A-1, Agricultural Zoning District to R-1, Low-Density Residential Zoning District, located on Stage Road, near the intersection of West Haven Lane in the Concord community.

AN ORDINANCE TO REZONE 8.054 ACRES LOCATED ON STAGE ROAD AND IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBERS 59 (A) 3 AND 59 (A) 4 FROM A-1, AGRICULTURAL ZONING DISTRICT TO R-1, LOW-DENSITY RESIDENTIAL ZONING DISTRICT.

WHEREAS, the owner of the subject property has petitioned for the rezoning from A-1, Agricultural Zoning District to R-1, Low-Density Residential Zoning District, of 8.054 acres located on Stage Road and otherwise known as Tax Parcel Identification Number 59 (A) 3 & 59 (A) 4 and shown as part of the application submitted for this petition; and

WHEREAS, the proposed rezoning was advertised and neighboring landowners were notified as required by Virginia Code §15.2-2204, §15.2-2285, and §15.2-1427(F) and the

proposed rezoning has undergone properly advertised public hearings by the Planning Commission on October 13, 2021 and by the Board of Supervisors on November 16, 2021; and

WHEREAS, the Planning Commission, at its regular meeting on October 13, 2021, having heard one objection during the public hearing, and having considered the staff report, having examined the Comprehensive Plan and the Zoning Ordinance, subsequently voted to recommend approval of the petition as submitted; and

WHEREAS, the Board has carefully considered the staff report, the recommendation of the Planning Commission, the presentation of staff, and the comments offered during the public hearings, if any; and

WHEREAS, the Board has determined that the requested rezoning meets the goals and objectives of the Comprehensive Plan and the purposes of the Zoning Ordinance; and

WHEREAS, the Board finds that the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend the zoning district classification of the subject property.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA that in consideration of the Planning Commission's recommendation, for reason of public necessity, convenience, general welfare, and good zoning practice, the proposed rezoning is hereby granted and 8.054 acres of Tax Parcel Identification Numbers 59 (A) 3 and 59 (A) 4, as described herein, is hereby rezoned from A-1, Agricultural Zoning District to R-1, Low-Density Residential Zoning District; and

BE IT FURTHER ORDAINED that the County's Official Zoning Map shall be amended to reflect the change in zoning classification authorized by this ordinance and the Zoning Administrator is instructed to enforce the proper zoning classification regulations for this property in accordance with the Appomattox County Zoning Ordinance.

This Ordinance shall take effect immediately.

Motion made by Mr. Abbitt, seconded by Mr. Hogan and carried with all members present (Mr. Hipps-absent), voting yes to adopt the ordinance to rezone 8.054 acres located on Stage Road and identified as Tax Parcel Identification numbers 59 (A) 3 and 59 (A) 4 from A-1, Agricultural Zoning District to R-1, Low-Density Residential Zoning District.

ACTION ITEMS

Full-Time Prosecutor for Commonwealth Attorney's Office

Motion made by Mr. Hinkle, seconded by Mr. Abbitt to approve combining (2) two part-time positions in the Commonwealth Attorney's Office (part-time clerk and part-time grant funded position) and utilize the existing funds for a full-time prosecutor position. Funds are to be transferred from Department 2201 to Department 2202. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

A RESOLUTION URGING THE VIRGINIA DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (DBHDS) TO ADEQUATELY LOCATE FUNDING TO STAFF STATE FACILITIES, AND URGING THE VIRGINIA GENERAL ASSEMBLY TO FULLY FUND STATE FACILITIES

WHEREAS, the Virginia General Assembly has established hospitals, training centers, psychiatric hospitals, and other types of residential or outpatient mental health or developmental services facilities, known as “state facilities,” which are under the management of the Virginia Department of Behavioral Health and Developmental Services (DBHDS);

WHEREAS, these state facilities were created to serve the mental health needs of the citizens of Virginia; but the DBHDS has failed to provide adequate staffing for these facilities, and these failures have erupted into a statewide mental health crisis over the last few months;

WHEREAS, as a result of this statewide mental health crisis, state facilities have continuously, illegally refused to admit patients (and particularly children) who are subject to judicial orders requiring state facilities to provide them with mental health services;

WHEREAS, DBHDS’s failures violate these judicial orders (temporary detention orders) and Virginia Code §16.1-340.1:1(B), which provides: “Under no circumstances shall a state facility fail or refuse to admit a minor who meets the criteria for temporary detention pursuant to § 16.1-340.1 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the minor for temporary detention”;

WHEREAS, children in need of mental health services are suffering in crisis due to the failure of state facilities to accomplish their mission;

WHEREAS, these failures of state facilities have also created a crisis for law enforcement officers (and particularly, deputy sheriffs of Appomattox County), who are charged with transporting these children to state facilities; and, as a further result of the DBHDS’s failures, Appomattox County deputy sheriffs have had to devote their resources and attention to serving as custodians for children in mental health crises, instead of enforcing of the law and promoting public safety of Appomattox County;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF APPOMATTOX, that the Board of Supervisors urges the DBHDS to allocate its resources toward the full and adequate staffing of state facilities;

AND BE IT FURTHER RESOLVED, that the Board of Supervisors urges the Virginia General Assembly to provide any funding toward the DBHDS that is necessary to allow state facilities to accomplish their mission of providing for the mental health needs of the children of the Commonwealth.

Motion made by Mr. Abbitt, seconded by Mr. Hogan to adopt the Resolution urging the Virginia Department of Behavioral Health and Developmental Services (DBHDS) to adequately allocate funding to staff State Facilities, and urging the Virginia General Assembly to fully fund State Facilities. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

Opioid Settlement Resolution

A RESOLUTION OF THE APPOMATTOX BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties 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 Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Appomattox Board of Supervisors, this 16th day of November, 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and directs the County Attorney to execute the MOU.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to adopt the Resolution approving the County's participation in the Opioid settlements. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

Resolution to Amend and Re-Adopt the Appomattox Comprehensive Plan As Recommended by the Planning Commission

WHEREAS, Section 15.2-2223 of the Code of Virginia, (1950) as amended, states that the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction; and

WHEREAS, Section 15.2-2223 of the Code of Virginia, (1950) as amended, further states that every governing body shall adopt a comprehensive plan for the territory under its jurisdiction; and

WHEREAS, Section 15.2-2230 of the Code of Virginia, (1950) as amended, further states that at least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan; and

WHEREAS, the comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, or extent of each feature shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use; and

WHEREAS, the plan may include but not be limited to, designation of areas for residential, business, industrial, agricultural, mineral resources, conservation, recreation, public service, flood plain and drainage, highways, railways, waterways, and other like facilities; and

WHEREAS, the plan may include but not be limited to, designation of community facilities such as parks, schools, playgrounds, public buildings and institutions, community centers, historical areas, an official map, zoning and subdivision ordinances and maps; and

WHEREAS, the plan may include but not be limited to the determination of affordable housing needs, both current and future, and proposed urban development areas for concentrated growth; and

WHEREAS, the Planning Commission set out to update the 2016 Comprehensive Plan in October of 2021, by carefully studying development trends, the use of land, preservation of agricultural and forestall land, population data, transportation infrastructure, and public utility expansion plans; and

WHEREAS, the Planning Commission sought public input through a public hearing on September 8, 2021, and having received no comments; and

WHEREAS, at its regular meeting on September 8, 2021, the Planning Commission voted unanimously to recommend approval and re-adoption of the updated comprehensive plan; and

WHEREAS, the Board of Supervisors endeavors to properly plan for the future physical development of the County through careful planning, sound financial management and proper use of available growth management regulations; and

WHEREAS, the 2016 Appomattox County Comprehensive Plan is the means by which to guide the physical development of the County; and

WHEREAS, the Board of Supervisors has sought public input through a public hearing on October 18, 2021; and

WHEREAS, the Board of Supervisors finds that the proposed plan update is consistent with the goals and objectives of the Board, good planning practices and would generally promote the health, safety and general welfare of the community.

NOW THEREFORE BE IT RESOLVED, on this 18th day of October, 2021, the Appomattox County Board of Supervisors does hereby amend and re-adopt the 2016 Appomattox County Comprehensive Plan, as recommended by the Planning Commission.

Motion made by Mr. Hogan, seconded by Mr. Hinkle to adopt the Resolution to amend and re-adopt the Appomattox Comprehensive Plan as recommended by the Planning Commission. Chairman Carter called for a roll call vote: Mr. Abbitt-no; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

Courthouse Security Fund

Motion made by Mr. Hogan, seconded by Mr. Hinkle to approve the transfer of \$26,393.88 from the Courthouse Security Fund and appropriate to 3102-1006 Courthouse Security Position. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

Commissioner of the Revenue Refund Requests

Motion made by Mr. Hogan, seconded by Mr. Hinkle to refund David Van-Isaac Johnson and Heather Lynn Heater \$146.73 for 2nd half 2021 Personal Property taxes; refund Ashley Breann Harris \$92.56 for 2nd half 2021 Personal Property taxes; Beth Anne Gridley \$714.22 for 2021 Personal Property taxes and supplement a total of \$953.51 to 1209-5803 Refunds. Chairman Carter called for a roll call vote: Mr. Abbitt-yes; Mr. Hinkle-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Hipps-absent.

COMMITTEE APPOINTMENTS

2021 Redistricting Committee Appointment

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all members present (Mr. Hipps-absent), voting yes to appoint Mr. Alfred Jones, newly elected Piney Mountain District Supervisor to the 2021 Redistricting Committee, effective January 1, 2022.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

November 4, 2021	\$48,338.92
November 12, 2021 - CSA	\$128,959.49
November 16, 2021	\$164,655.78
TOTAL:	\$341,954.19

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

Minutes

Please review the following DRAFT minutes for approval:
October 18, 2021 Regular Board of Supervisors Meeting

Circuit Court - Law Library

Please transfer by consent **\$1,318.95** from the Law Library Fund to the General Fund and supplement to the following:

2101-5804 Law Library	\$1,318.95
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RE: Purchase of law books by the Circuit Court Clerk for the Law Library.

STAFF RECOMMENDATION: No new local funds are required.

Animal Control Spay/Neuter Program

Please supplement by consent and appropriate the following:

3501-5413 Spay Neuter Program	\$331.20
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RE: DMV funds received from the sale of the Animal Friendly license plate to be used the support the sterilization of cats and dogs.

STAFF RECOMMENDATION: No new local funds are required.

Four-For-Life Funds for Appomattox Rescue Squad

Please supplement by consent and appropriate the following:

3203-5607 Appomattox Four-For-Life	\$387.76
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RE: Four-For-Life funds received in the amount of \$18,037.76 by the Treasurer's Office. Difference in budgeted amount of \$17,650.00.

STAFF RECOMMENDATION: No new local funds are required.

E911

Please supplement by consent and appropriate the following:

3606-5408 Vehicle Equip/Gas Supplies	\$65.95
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RE: Refund from Webb's Tire Company for overpayment.

STAFF RECOMMENDATION: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime	\$1,395.48
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RE: Reimbursement from the School Board for security performed at Middle School (\$164.47); and High School sporting events/Board meeting (\$1,231.01).

STAFF RECOMMENDATION: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411 Books	\$176.50
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7301-5401 Office Supplies	\$680.50
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TOTAL:	\$857.00
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STAFF RECOMMENDATION: No new local funds are required.

Department of Social Services

Please supplement by consent and appropriate the following:

5301-2002 VRS	\$13,223.66
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5301-2006 Group Life	\$972.51
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5301-2002 ICMA-RC	\$1,512.29
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TOTAL:**\$15,708.46**

RE: Reimbursement from DSS for October, 2021 payroll deductions.

STAFF RECOMMENDATION: No new local funds are required.

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

ADMINISTRATOR'S REPORT

Mrs. Adams congratulated Mr. Carter for winning the election and presented him with a Resolution from the Registrar stating that he was certified.

Appomattox County Committee/Boards – Terms expiring December 31, 2021.

Mrs. Adams noted the following under Reports and Informational Items: Signed order by Judge S. Anderson Nelson for the concealed handgun permits and the School construction update provided by Mr. Bill Gillespie, MRG Consulting, LLC.

REPORTS AND INFORMATIONAL ITEMS

Special Event Permit Bond Waiver

Concealed Handgun Permits – Signed Order by Judge S. Anderson Nelson

Annual Moody's Report for Appomattox County

School Construction Update from Mr. Bill Gillespie, MRG Consulting, LLC

Central Virginia Planning District Commission Dues

Central Virginia Workforce Development Area Council

Robert E. Lee Soil & Water Conservation District Board of Directors Meeting Minutes

Letter from Mr. Gene Moore, J.B. Moore Electrical Contractor, Inc. announcing retirement.

UPCOMING MEETINGS

Monday, December 20, 2021 @ 6:30 p.m.

Regular Scheduled Meeting

Board of Supervisors Meeting Room

171 Price Lane, Appomattox, Virginia 24522

CLOSED SESSION

Mr. Lacheney, County Attorney read the following Resolution to authorize a Closed Meeting:

WHEREAS, the Board of Supervisors of Appomattox County desires to discuss in Closed Meeting the following matter(s):

Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Authority Trash suit..

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning the

Registrar.

WHEREAS, pursuant to: §2.2-3711 (A)(7) and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Appomattox County does hereby authorize discussion of the aforestated matters in Closed Meeting.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle and carried with all members present (Mr. Hipps-absent), voting yes to enter into closed session at 7:33 p.m.

Mrs. Wanda McCormick read the following closed session certification at 7:53 p.m.:
To the best of your knowledge, were the only matters discussed in the closed meeting public business matters lawfully exempted from open meeting requirements, and that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting. Mrs. McCormick called for a roll call vote: Mr. Hogan, yes; Mr. Carter, yes; Mr. Hinkle, yes; Mr. Abbitt, yes; Mr. Hipps-absent.

ADJOURNMENT

Motion made by Mr. Abbitt, seconded by Mr. Carter and carried with all other members present (Mr. Hipps-absent), voting yes to adjourn the meeting at 7:54 p.m.

Samuel E. Carter, Chairman