

**BOARD OF SUPERVISORS
REGULAR SCHEDULED MEETING
MONDAY, NOVEMBER 18, 2024
6:00 P.M.**

The Appomattox County Board of Supervisors held its regular scheduled meeting on Monday, November 18, 2024, 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:

John F. Hinkle, Chair	Falling River District
Alfred L. Jones, III, Vice-Chair	Piney Mountain District
Samuel E. Carter	Courthouse District
Kenneth Wolfskill	Appomattox River District
Trevor L. Hipps	Wreck Island District

Also, Present:

Susan M. Adams, County Administrator
Mark Popovich, Attorney
Johnnie Roark, Community Development Director
John Spencer, Purchasing Director
Janet McConville, Finance Specialist II
Wanda McCormick, Finance Specialist III

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

Pledge of Allegiance

Invocation – Rev. Jones

SETTING OF AGENDA

Motion made by Mr. Hipps, seconded by Rev. Jones to amend the agenda by adding a report on the Solid Waste Study and RFP discussion (3B), and adding a fourth subject for Closed Session of discussion and consideration of performance and salaries of two public employees or appointees pursuant to Section 2.2-3177(A)(1) of the Code of Virginia (1950, as amended). Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Motion made by Mr. Wolfskill, seconded by Mr. Hipps to approve the agenda as amended.

Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

CITIZEN PUBLIC COMMENT PERIOD

McKinley Cardwell of Appomattox addressed the Board to thank them for their support while running for a Town Council seat and looks forward to working with them in the future.

Matthew Mitchell of Appomattox addressed the Board to voice his concerns of employee turnover, government transparency, and economic growth.

APPEARANCES

Dominion Energy – PJM Open Window

Mr. Alex Rendon was not present.

Appalachian Power Co. – Small Modular Reactors Project

Mr. Larry Jackson, Government Affairs Director of AEP, addressed the Board to discuss the Small Modular Reactors project that is planned to be built on company-owned property that is partially in Appomattox County. AEP will begin the early site application process with the Nuclear Regulatory Commission to ensure the site is suitable for a nuclear power plant. More information can be found at www.appalachianpowersmr.com.

Due to Mr. Jackson's retirement, Mr. Rob Mann will continue with project, and he was introduced to the Board.

Firefly/Virginia Telecommunications Initiative (VATI)

Mr. John Spencer gave an update on the Firefly/Virginia Telecommunications Initiative (VATI) grant with the Thomas Jefferson Planning District Commission and includes the RISE phase. Construction updates can be found at www.Fireflyva.com under "Projects."

Solid Waste Study and RFP Discussion

Mr. John Spencer gave an update on the Solid Waste Planning Services. Mr. Spencer explained that four consultants were interviewed, and McGill Associates were chosen to complete the task list at a cost of \$47,300. Mr. Spencer requested the Board's approval of the Solid Waste Planning Services Project.

Motion made by Rev. Jones, seconded by Mr. Wolfskill to approve the contract for the Solid Waste Planning Services Project. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Public Safety – Dispatch Position

Mr. John Vannoy addressed the Board to request a funding for an additional dispatcher position due to additional tasks and increase in the number of calls coming in to the E911 center.

Motion made by Mr. Wolfskill, seconded by Mr. Hipps to approve an additional dispatcher position for the E911 Center. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Motion made by Rev. Jones, seconded by Mr. Wolfskill to approve funding for the additional dispatcher position of up to \$15,000 for FY25. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

PUBLIC HEARING

Proposed Amendments to the Zoning Ordinance and the Subdivision Ordinance

At 6:45 p.m. after due notice was given, Chairman Hinkle called the Public Hearing to order. After receiving no public comment, the public hearing was closed at 6:48 p.m.

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF APPOMATTOX COUNTY, TITLE 19 (LAND USE AND DEVELOPMENT), CHAPTER 19.5 (SUBDIVISION OF LAND), ARTICLE VIII, (PRELIMINARY PLAN AND FINAL PLAT REQUIREMENTS) TO AMEND §19.5-18 (C)(1) FAMILY DIVISIONS AND ADD §19.5-19(A)(5) MINOR SUBDIVISIONS

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, from time to time, for good development practice or in the judgement of the citizens, staff, the Planning Commission or the Board of Supervisors an area of text needs amending to better serve the purpose of subdivision, development, and the community at-large; and

WHEREAS, the Planning Commission sees the need to amend the thresholds related to qualifications for a Family Division, by amending §19.5-18 (C) (1), as follows (new language in *italics*, deletions shown as strikethroughs);

§19.5-18 (C) (1)- No previous transfer under this provision shall have been granted to the grantee in this County. The grantor shall provide proof of continuous qualifying ownership for a minimum of ~~ten (10)~~ *two* (2) years prior to the conveyance and the grantee shall not convey the new lot within ~~ten (10)~~ *five (5)* years of recordation to any person(s) other than qualifying family members as enumerated in Article I of this chapter, unless otherwise approved by the Board of Supervisors.

WHEREAS, in order to promote the efficient review and approval of division plats and development plans, the Planning Commission recommends the addition of §19.5-19 (A)(5), as follows (new language in *italics*);

§19.5-19 (A)(5)-*The Subdivision Agent shall not require the review and approval of the Virginia Department of Transportation (VDOT) for any plat for a subdivision unless new streets are required to be established to serve the newly created parcels under the terms of this Ordinance.*

WHEREAS, the Appomattox County Joint Planning Commission held a public hearing on September 11, 2024, with no one speaking either for or against the proposed changes; and

WHEREAS, the Appomattox County Joint Planning Commission voted unanimously to recommend approval of the amendments, as written; and

WHEREAS, on November 18, 2024, a public hearing was held on this matter before the Appomattox County Board of Supervisors, and all of those wishing to speak on this topic were heard;

WHEREAS, the Appomattox Joint Planning Commission carefully considered the presentation of staff, the Comprehensive Plan, the comments from the public hearing and provided an affirmative recommendation for the proposed amendments ; and

WHEREAS, the Appomattox County Board of Supervisors finds that in agreement with the recommendation of the Joint Planning Commission, that this ordinance is intended to guide and facilitate the orderly, beneficial growth of the community by assuring the orderly subdivision of land and its development, and to promote the public health, safety, convenience, comfort, prosperity, and general welfare and requires adoption of an ordinance to amend Subdivision Ordinance of Appomattox County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA the Code of Appomattox, Chapter 19.5-Subdivision of Land is hereby amended and readopted, as described herein.

Motion made by Rev. Jones, seconded by Mr. Wolfskill to amend the Subdivision Ordinance related to the qualifications for a Family Division and provisions for outside agency review of a subdivision plat. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF APPOMATTOX COUNTY, TITLE 19 (LAND USE AND DEVELOPMENT), CHAPTER 19.6 (ZONING), ARTICLE VII, (DISTRICT REGULATIONS) TO AMEND §19.6-74 (E)(IV) SITE DEVELOPMENT REGULATIONS AND PORTIONS OF ARTICLE VIII (ADDITIONAL REGULATIONS) FOR WIRELESS COMMUNICATIONS FACILITIES, §19.6-92, AS SHOWN

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, from time to time, for good zoning practice or in the judgement of the citizens, staff, the Planning Commission or the Board of Supervisors an area of text needs amending to better serve the purpose of zoning and the community at-large; and

WHEREAS, in an effort to better serve current development trends in industry, the Planning Commission sees the need to amend the maximum height of buildings within the Planned Industrial District from 45 feet to 65 feet in §19.6-74 (E) (iv), as follows (new language is shown in italics, deletion shown as strikethrough;

§19.6-74 (E)(iv) Maximum Height of Structures

All structures: ~~45~~ 65 feet. Structures may exceed the height limitation provided a conditional use permit is approved in accordance with this ordinance.

WHEREAS, in order to update the current Wireless Communications Facilities section to reflect current State Code changes, Subsection 19.6-92 is amended to reflect new language detailing site plan requirements, a statement of justification, licensure requirements, and environmental requirements. And add certain uses such as satellite dish antennas and emergency services communications facilities owned by the county or other public agency. And delete requirements for propagation maps, the allowable district listing and the summary chart found in the appendix (new language is shown in *italics*, deletions shown as strikethroughs); and

§19.6-92 Wireless Communications Facilities

§19.6-92.2 Requirements for Submittal.

All applications for both permitted and conditional uses under this section must include the following information. Failure to provide all or part of this information may result in the denial of the permit application.

A. Towers.

1. **Site Plan.** A detailed site plan must be submitted showing structural design, setback distances from property lines, and proposed equipment buildings. *The site plan shall consist of a scaled plan and a scaled elevation view, with supporting drawings, calculations, and other documentation signed and sealed by a licensed professional engineer, showing the location and dimensions of all improvements, including topography, zoning, vegetative buffers, tower height, setbacks from property lines, driveways, parking, fencing, landscaping, distance to the nearest adjacent dwelling and the general location of any residential structure within 1,000 feet of the proposed tower.*

3. **Proof of infeasibility of co-location.** Written evidence demonstrating that the applicant's telecommunications equipment cannot be accommodated on an existing or approved tower or other structure within a one-mile search radius (one-half mile search radius for towers under 120 feet in height, one-quarter mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

(e) **Tower site inventory report.** An inventory of existing sites within the County or within 5 miles of the border thereof must be submitted, including specific information about location, height, existing use, and available capacity of each tower. ~~(Propagation Map)~~

4. *A statement justifying the need for the project.*

5. *A certification from a licensed professional engineer experienced with the design and operation of wireless communication facilities, that the emissions from the facility will not exceed the maximum permissible exposure (MPE) standards established by the Federal Communications Commission (FCC).*

6. *A proposed construction schedule.*
 7. *An Erosion and Sediment Control Plan shall be include for projects disturbing more than 5,000 square feet. A Land Disturbance Permit will be required prior to commencement of construction activities, if 5,000 square feet or more of land disturbance is to occur.*
- C. *Additional requirements for all applications.*
1. ~~Propagation maps (or "cell size") of provider's equipment at different heights.~~ *At least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated images shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public building(s) such as schools, churches, etc. County staff reserves the right to select the location for the photographic images and may require additional images. The applicant shall conduct a balloon test to demonstrate the height of the proposed tower. The applicant shall provide County staff with 48-hour notice of the test.*
 2. ~~Propagation maps of provider's equipment on other nearby towers.~~ *One copy of the National Environmental Protection Act (NEPA) statement along with a signed statement from the applicant indicating the Federal environmental requirements are met.*
- (4) The County may require other information deemed necessary to assess compliance with this ordinance.*

§19.6-92.3 Permitted Uses.

- A. *See District Regulations for new construction towers. Co-locations in the following Zoning districts: A-1, B-1, M- 1, and IP provided that the height of the existing structure is not increased more than twenty (20) feet of its original permitted height. If height increase is greater than twenty (20) feet, then a Conditional Use Permit will be required.*
- B. ~~New construction towers that do not exceed 50 feet that are proposed for siting in all districts except for H-1 and the Flood Plain Overlay (FPO) District.~~ *If in the Zoning Administrator's opinion an application for permitted use may have an adverse impact on surrounding properties, whether adjacent to the applicant's parcel or not, the Zoning Administrator may require the applicant to obtain a conditional use permit. Adverse impact may include but is not limited to proximity to nearby homes and businesses or areas of historical interest.*
- C. ~~New construction towers that do not exceed 199 feet in height that are proposed for siting in a B-1, M-1, and IP Zoning districts, provided the site does not border a lot zoned H-1, R-1, R-2, R-3 or V-1.~~ *Installing a cable microcell network (distributed antenna system or DAS) through the use of multiple low-powered transmitters/receivers attached to existing wireless systems, such as conventional cable or telephone wires, or similar technology that does not require the use of a Wireless Communication Facility.*

§19.6-92.4 Conditional Uses.

A. ~~New construction towers that do not exceed 199 feet in height that are proposed for siting in an A-1, M-1, or IP Zoning district bordering an H-1, R-1, R-2, R-3 or V-1 district. See District Regulations for new construction towers.~~

B. ~~New construction towers that exceed 199 feet in height that are proposed for siting in an A-1, M-1, or IP Zoning district.~~

§19.6-92.9 Accommodation of future co-location uses.

C. –Local government access. Upon request, the holder of a conditional use permit for a tower shall provide the County with co-location opportunities as a community benefit for radio and emergency services, *provided it does not conflict with the tower operator's opportunity for present or future colocation by at least two (2) other communication providers. The owner of the tower shall provide the County with the right of first refusal to any available colocation spaces at no cost to the County-provided that the County shall be responsible for placing and maintaining its own equipment at a height mutually agreed to by the owner/operator of the tower and the County.*

§19.6-92.10 Removal of Abandoned Facilities and Towers.

Any tower that is not operated for a continuous period of twelve (12) months shall be considered a nuisance. In such circumstances, the following shall apply:

A. The owner of such communications facility or tower or owner(s) of the property where the tower site is located shall remove the communications facility and/or tower including all supporting equipment and building(s) within 90 days of receipt of an abandonment notice from the County Building Official. If removal to the satisfaction of the Zoning Administrator does not occur within 90 days, the County may remove and salvage the communications facility or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Any such owner affected by this provision shall have the opportunity to appeal the Zoning Administrator's decision to the Board of Zoning Appeals within 30 days of receipt of abandonment notice. *Removal of the tower structure includes all portions of the tower structure above ground level, fencing and fence footers, underground cables, and all support buildings.*

§19.6-92.13 Exemptions

The following shall be exempt from the standards of this subsection:

a. *New towers that are 50 feet or less in height in any district, except the H-1, Historic Overlay District and the FPO, Flood Plain Overlay District;*

b. *Satellite dish antennas, as an accessory use;*

c. *Antennas used solely for residential reception of broadcast radio or television, as an accessory use;*

d. *Antennas legally operated by FCC-licensed amateur radio operators. Said antenna shall not exceed 200 feet in height above average grade.*

a. *Amateur radio antenna that are freestanding shall be located to the rear of the principal structure and setback from any lot line by a distance equal to or exceeding the height of the tower.*

b. *Amateur radio antenna attached to a principal structure shall be located on the side or rear elevation of the structure.*

- c. *Modifications to these standards for amateur radio antennas may be granted by the zoning administrator if the amateur radio operator can satisfactorily demonstrate that said modification is necessary to reasonably accommodate the amateur radio communications needs, as guaranteed by federal and state law.*
- e. *Emergency services communications facilities owned by the County or other public agency that is used wholly or in part for public safety or emergency communication purposes; and*
- f. *Portable wireless communication facilities temporarily used for emergency purposes for not more than 180 days after declaration of an emergency or disaster by a responsible official of the county, state or federal government.*

APPENDIX SUMMARY OF PERMITTED AND CONDITIONAL USES

<i>Zoning District</i>	<i>Co-Location</i>	<i>New Tower <50 feet</i>	<i>New Tower 51 - 199 feet</i>	<i>New Tower 200' or more</i>
<i>A-1</i>	<i>P *</i>	<i>P</i>	<i>C</i>	<i>C</i>
<i>B-1</i>	<i>P *</i>	<i>P</i>	<i>P **</i>	<i>P</i>
<i>H-1</i>	<i>C/S</i>	<i>C/S</i>	<i>C/S</i>	<i>X</i>
<i>M-1</i>	<i>P *</i>	<i>P</i>	<i>P **</i>	<i>C</i>
<i>R-1</i>	<i>C/S</i>	<i>P</i>	<i>C/S</i>	<i>X</i>
<i>R-2</i>	<i>C/S</i>	<i>P</i>	<i>C/S</i>	<i>X</i>
<i>R-3</i>	<i>C/S</i>	<i>P</i>	<i>C/S</i>	<i>X</i>
<i>V-1</i>	<i>C/S</i>	<i>P</i>	<i>C/S</i>	<i>X</i>
<i>IP</i>	<i>P *</i>	<i>P</i>	<i>P **</i>	<i>C</i>

KEY

_____ ***P***
Permitted use C CUP Required C/S CUP/stealth design option

_____ ***X*** *Not*
*permitted P * CUP required if increased by more than 20 feet.*
*P ** CUP required, if bordering H-1, R-1, R-2, R-3 or V-1 district.*

WHEREAS, the Appomattox County Joint Planning Commission held a public hearing on September 11, 2024 and all those wishing to speak on this topic were heard; and

WHEREAS, the Appomattox County Joint Planning Commission voted unanimously to recommend approval of the amendments, as written; and

WHEREAS, on November 18, 2024, a public hearing was held on this matter before the Appomattox County Board of Supervisors, and all of those wishing to speak on this topic were heard;

WHEREAS, the Appomattox Joint Planning Commission carefully considered the presentation of staff, the Comprehensive Plan, the comments from the public hearing and provided an affirmative recommendation for the proposed amendments ; and

WHEREAS, the Appomattox County Board of Supervisors finds that in agreement with the recommendation of the Joint Planning Commission, the public necessity, convenience, general welfare, or good zoning practice requires adoption of an ordinance to amend Zoning Ordinance of Appomattox County;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA the Code of Appomattox, Chapter 19.6-Zoning is hereby amended and readopted, as described herein.

Motion made by Mr. Hipps, seconded by Mr. Carter to amend the Zoning Ordinance related to amendments to the maximum height in the Planned Industrial District and changes to the wireless communication facilities section. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

ACTION ITEMS

Resolution – Abandonment of State Route F-1018

RESOLUTION

WHEREAS, pursuant to §33.2-902 of the *Code of Virginia*, the Commissioner of the Virginia Department of Transportation has provided this Board with its notice of intent to abandon from the Primary System of State Highways Route F-1018, a total distance of 0.04 miles as shown on the attached sketch; and

NOW, THEREFORE, BE IT RESOLVED, this Board supports the Virginia Department of Transportation's action to abandon from the Primary System of State Highways Route F-1018 pursuant to §33.2-902 of the *Code of Virginia*, as this Council agrees that no public necessity exists for the continuance of the section of highway as a public highway; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation Appomattox Residency.

Motion made by Mr. Carter seconded by Mr. Hipps to adopt the Resolution to abandon State Route F-1018. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Commissioner of the Revenue Refund Request

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

- 1) Refund Michael S. Rawes \$1,148.25 for 2023 & 2024 personal property taxes. He qualifies for the Veteran's Exemption.
 - 2) Refund Wells Fargo Home Mortgage \$1,292.27 for Loan #0199497132 in the name of Michael S. Rawes for 2023 & 2024 real estate taxes. He qualifies for the Veteran's Exemption.
 - 3) Refund Melissa D. Gridley \$515.83 for 2024 personal property taxes. She qualifies for the Veteran's Exemption.
 - 4) Refund Matthew & Amber Cassidy \$535.17 for 2024 personal property taxes. They were erroneously assessed.
 - 5) Refund Eva Forest \$18.90 for 2024 real estate taxes that was sold in July 2024.
- STAFF RECOMMENDATION: Consider the above refunds. Transfer by consent \$3,510.42 from the General Fund and appropriate to 1209-5803. No new local funds are required.

Motion made by Mr. Hipps, seconded by Rev. Jones to approve the Commissioner of Revenue refund requests in the amount of **\$3,510.42** from the General Fund to appropriate to 1209-5803. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

COMMITTEE APPOINTMENTS

Upcoming Board appointments that will be included on the December 2024 agenda are in the current packet for Board review.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

November 4, 2024	\$39,148.48
November 15, 2024 - CSA	\$257,544.78
November 18, 2024	\$430,564.39
TOTAL:	\$727,257.65

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

Minutes

Please review the following DRAFT minutes for approval:
October 21, 2024, Regular Scheduled Meeting

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime	\$8,461.06
3102-1003 Part-Time Salaries	\$2,046.33
3102-5503 Travel (Subsistence/Lodging)	\$56.25
TOTAL:	\$10,563.64

RE: Reimbursement from the School Board for security performed by deputies at the AMS and ACHS sporting events (\$5,044.66); Reimbursement from DCJS for TDO/ECO hours worked by deputies (\$2,340.00); Reimbursement from The City of Lynchburg for CIT hours worked by Deputy Meeks (\$1,076.40); Reimbursement from the School Board for extra school security performed by deputies (\$2,046.33); Reimbursement from the Commonwealth of Virginia for Deputy Murdock's per diem (\$56.25).
STAFF RECOMMENDATION: No new local funds are required.

Road Side Clean-Up

Please supplement by consent and appropriate the following:

4209-1003 Part-Time **\$1,693.75**

RE: Reimbursement from VDOT for September 2024 trash pick-up performed by inmates.

STAFF RECOMMENDATION: No new local funds are required.

Animal Shelter Operations

Please supplement by consent and appropriate the following:

3501-5413 Spay/Neuter Program \$1,342.50

3501-5804 Donations \$259.00

TOTAL: \$1,601.50

RE: Funds received through adoptions (\$1,295.00); Funds received for Spay/Neuter Program from the Commonwealth of Virginia (\$47.50); Donations received for Animal Shelter (\$259.00).

STAFF RECOMMENDATION: No new local funds are required.

Circuit Court

Please supplement by consent and appropriate the following:

2101-1007 Jurors/Witness **\$2,200.00**

RE: Reimbursement from the Supreme Court of Virginia for jurors paid by the County.

STAFF RECOMMENDATION: No new local funds are required.

Information Technology

Please supplement by consent and appropriate to the following:

1220-5203 Telecommunications **\$314.66**

RE: Refund from Verizon for disconnected lines due to switching the county phone system over to Shentel.

STAFF RECOMMENDATION: No new local funds are required.

Waterline

Please supplement by consent and appropriate the following:

082-1800-5101 Electric Services \$844.29

082-1800-5203 Telecommunications \$190.72

TOTAL: \$1,035.01

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

STAFF RECOMMENDATION: No new local funds are required.

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

ATTORNEY'S REPORT

No report

ADMINISTRATOR'S REPORT

Mrs. Adams shared departmental reports with the Board and noted the following items:

- Announcement of the upcoming holiday events.
- Facilities updates.
- Welcomed the new hire for the Custodian position, Joe Ferguson.
- The Garden Club donated a bench to be installed in the Courthouse Square.
- There have been continued improvements at the Sports Complex. A new bathroom purchased with ARPA funding has been installed, and a handicap accessible ramp is being installed.
- Mrs. Anne Dixon, Tourism Director, announced her retirement as of December 31, 2024. Mrs. Dixon has agreed to assist the office when needed.
- There are plans to install cameras at the Sports Complex.

SUPERVISOR CONCERNS

Mr. Carter shared a concern about the resignation of the DSS Director.

CLOSED SESSION

Mr. Mark Popovich, read the following Resolution authorizing a Closed Session:

The Appomattox County Board of Supervisors plans to enter into closed session for the limited purposes of:

1. Consultation with legal counsel and briefings by staff members pertaining to actual litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County related to the Region 2000 landfill pursuant to VA Code Section 2.2-3711(A)(7);
2. Discussion regarding the appointment and salary of an individual to assist regarding oversight of the Department of Social Services pursuant to Section 2.2-3711(A)(1);
3. Discussion and consideration of real property for a public purpose where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the county regarding Tax Map Parcels 64A5-A-29, 64A5-A29A, and 64-A5-30 pursuant to Section 2.2-3711(A)(3) of the Code of Virginia (1950 as amended); and,

4. Discussion and consideration of performance and salaries of two public employees or appointees pursuant to Section 2.2-3177(A)(1) of the Code of Virginia (1950, as amended).

Motion made by Rev. Jones, seconded by Mr. Wolfskill, to enter into closed session at 7:10 p.m. Mr. Hinkle called for a roll call vote: Mr. Wolfskill-yes, Rev. Jones- yes, Mr. Hipps-yes, Mr. Carter-no, Mr. Hinkle-yes. Motion carried 4 -1.

Mrs. Wanda McCormick read the following closed session certification at 7:50 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. Hipps-yes, Rev. Jones-yes, Mr. Carter-yes, Mr. Hinkle-yes, Mr. Wolfskill-yes.

Motion made by Mr. Hipps, seconded by Rev. Jones for the County to adopt a resolution directing staff to prepare and execute agreements intending to resolve the Region 2000 Landfill litigation. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

A RESOLUTION DIRECTING STAFF TO PREPARE AND EXECUTE AGREEMENTS TO RESOLVE THE REGION 2000 LANDFILL LITIGATION

WHEREAS, Campbell County and the City of Lynchburg instituted that certain lawsuit styled as County of Campbell & City of Lynchburg v. Region 2000 Services Authority, et al., Campbell Circuit Court Case No. CL20002216-00; and

WHEREAS, Appomattox County and Nelson County instituted that certain lawsuit styled as County of Nelson & County of Appomattox v. Region 2000 Services Authority, et al., Nelson Circuit Court Case No. CL22000180-00, which was transferred to be heard in the Campbell County Circuit Court; and

WHEREAS, the parties to said lawsuit have conferred through legal counsel and Region 2000 Services Authority Board representatives concerning the resolution of the issues raised in both lawsuits; and

WHEREAS, a framework which resolves all issues in both lawsuits and the future of waste disposal for Campbell County, the City of Lynchburg, Nelson County, and Appomattox County has been devised, and which proposal all parties to the said lawsuits deem appropriate and in the best interests of their respective localities and/or organizations; and

WHEREAS, a settlement agreement (hereinafter the "Settlement Agreement") containing the material components of this Resolution, is to be drafted, by agreement of all parties, by the County Attorney for Campbell County and, upon review and approval by their respective county or city attorneys, and formally adopted by the Board of Supervisors of

Campbell County, Nelson County, Appomattox County, and the Region 2000 Services Authority, and the City Council of the City of Lynchburg; and

WHEREAS, it is understood that the members of the currently constituted Board of the Region 2000 Services Authority are to vote at their next duly called meeting to make application to the Community Development office of Campbell County for a rezoning and special use permit for an expansion of the landfill on such land use-related terms as are stated in the document entitled "Region 2000 Regional Landfill –Livestock Road Facility Lateral Expansion" dated July 29, 2024 (hereinafter the "Rezoning Proposal"); and

WHEREAS, the enforcement of the Settlement Agreement is to be conditioned upon the result of the Rezoning Proposal and permitting by the Virginia Department of Environmental Quality.

NOW, THEREFORE the Appomattox County Board of Supervisors does hereby direct the County Attorney to draft and the County Administrator to execute such agreements, releases, and other legal documents to effectuate the purposes herein described, to wit:

RESOLVED, that, by agreement, the Campbell County Attorney shall draft a settlement agreement (hereinafter the "Settlement Agreement") containing terms herein described, which agreement shall be signed by the Campbell County Board of Supervisors' designee once said agreement is in acceptable form, which said Settlement Agreement shall be circulated for the approval and signature of the City Council designee of the City of Lynchburg and the Counties of Nelson and Appomattox designee, following affirmative action to endorse a Resolution in like form to this Resolution by the governing bodies of said jurisdictions; and

RESOLVED, that the Campbell County Board of Supervisors shall conduct all required processes, notices, and hearings required to consider the Rezoning Proposal, and shall take action on such proposal in normal course; and

RESOLVED, if the Campbell County Board of Supervisors, after conducting all required processes, notices, and hearings required to consider the Rezoning Proposal, votes affirmatively to grant the Rezoning Proposal and the Virginia Department of Environmental Quality issues the necessary permits to permit the expansion of the landfill, then the Settlement Agreement shall take full force and effect and become irrevocable by any party, and all parties shall immediately take such actions as are stated in the following clauses of this Resolution; and

RESOLVED, that the County Attorney for Campbell County and the City Attorney for the City of Lynchburg shall draft an Amended Member Use Agreement (hereinafter the "Amended MUA") for the Region 2000 Services Authority governing the conduct of a future version of said Authority which shall be solely managed and governed by representatives appointed by the County of Campbell and the City of Lynchburg, which Amended MUA shall be presented at a future meeting of the Boards of the Counties of Appomattox, Campbell, and Nelson, and the City of Lynchburg for approval prior to its execution by their respective designees; and

RESOLVED, that the Settlement Agreement shall provide that the Counties of Appomattox, Campbell, and Nelson, and the City of Lynchburg shall by written consent order dismiss both pending lawsuits, Campbell County Case No. CL20002216-00 and Nelson County CL22000180-00, within thirty (30) days of the full execution of the Amended MUA; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall both provide for the removal of the Counties of Appomattox and Nelson from the membership of and in the Region 2000 Services Authority, shall remove all right, title, and interest those counties have or have ever had in the Region 2000 Services Authority, and shall provide that, to the extent allowed by applicable law, that all liabilities on all bonds, as well as closure and post-closure liabilities, connected to the Regional 2000 Services Authority, will be the responsibility of the said Authority, and if applicable, Campbell County and the City of Lynchburg, and not Nelson County and Appomattox County. Further, the Amended MUA shall provide that Campbell County and the City of Lynchburg shall assume full responsibility for the management, operation, funding, and support of the Region 2000 Services Authority; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the Region 2000 Services Authority shall distribute to the County of Appomattox, within thirty (30) days of the full execution of the Amended MUA, the sum of \$250,000.00; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the Region 2000 Services Authority shall distribute to the County of Nelson, within thirty (30) days of the full execution of the Amended MUA, the sum of \$250,000.00; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the Counties of Appomattox and Nelson shall be allowed, but not required, to haul all acceptable waste (as that term is defined in the current Region 2000 MUA) generated within the Counties of Appomattox and Nelson to the Region 2000 Services Authority Landfill from the date of the full execution of the Amended MUA until December 31, 2053 or the date of the closure of landfill contemplated by the Rezoning Proposal of the Region 2000 Services Authority, whichever is later; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the Counties of Appomattox and Nelson shall be recognized as preferred haulers to the Region 2000 Services Authority landfill, who shall be charged the same tonnage rate charged to the Campbell County and the City of Lynchburg from the date of the full execution of the Amended MUA until December 31, 2053 or the date of the closure of the landfill contemplated by the Rezoning Proposal of the Region 2000 Services Authority, whichever is later; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the County of Campbell shall receive an annual Host Fee for agreeing to be the continuing host locality for the landfill, which Host Fee shall commence in FY25/26, and which Host Fee

shall be \$750,000.00 annually, which sum shall be adjusted annually for inflation in accordance with a recognized and published inflation factor; and

RESOLVED, that the Settlement Agreement and the Amended MUA shall provide that the County of Campbell shall annually appoint at its organizational meeting three (3) members of the staff of Campbell County government as Campbell County's representatives on the Board of the Region 2000 Services Authority, which members shall serve three-year terms, and that the City of Lynchburg shall annually appoint at its organizational meeting three (3) members of the staff of the City of Lynchburg government as the City of Lynchburg's representatives on the Board of the Region 2000 Services Authority, which members shall serve three-year terms; and

RESOLVED, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to make payment of all Excess Revenue held under the terms of the current Member Use Agreement held on deposit at the Region 2000 Services Authority, together with all interest accumulated on said sums, to the County of Campbell and the City of Lynchburg within thirty (30) days of the execution of the Amended MUA; and

As of August 31, 2024, such amounts are understood to be and due as follows:

To Campbell County:	\$3,265,342.70, principal and interest
To City of Lynchburg:	\$1,448,229.93, principal and interest; and

RESOLVED, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to make full payment of Seventy-Five percent (75%) of the Excess Revenue held subject to the currently-adopted Financial Policy held on deposit at the Region 2000 Services Authority, together with all interest accumulated on said sums, to the County of Campbell and the City of Lynchburg within thirty (30) days of the execution of the Amended MUA

As of August 31, 2024, such amounts are understood to be and due as follows:

To Campbell County:	\$2,830,722.60, principal and interest; and
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RESOLVED, that the Settlement Agreement shall provide that at the first meeting of the Board of the Region 2000 Services Authority following the enactment of the Amended MUA, that the Board shall affirmatively vote to establish a policy for the Region 2000 Services Authority purchase the real property of property owners located near the landfill landfill i) who have made consistent odor complaints to the Region 2000 Services Authority in relation to the existing landfill as of September 1, 2024, OR, ii) who's quality of life, through odor or other natural impacts, as determined solely by the Region 2000 Services Authority, may be egregiously impacted by the expansion of the landfill, for 110% of the assessed value of said property owner's home; and

RESOLVED, that as an inducement for the Counties of Appomattox and Nelson to enter into said Settlement Agreement, Campbell County affirmatively agrees to continue

providing Appomattox County with water services under such terms and conditions as Appomattox and Campbell County may agree.

RESOLVED, that the County Administrator and the County Attorney are hereby authorized and directed to take any and all actions necessary to carry out the substance of this Resolution on behalf of the County of Appomattox. Such authority shall include, but is not limited to, drafting and executing the Settlement Agreement, drafting and executing preliminary documents connected to the preparation of the Settlement Agreement and/or the Amended MUA, and any and all other documents which may related to either or both of the same; and

RESOLVED, that as a result of the execution of the documents listed herein and in accordance with the terms herein, the total expected financial distributions to the members of the Region 2000 Services Authority pursuant to the terms of this Resolution shall be, as of the date of August 31, 2024:

The City of Lynchburg:	\$1,448,229.93
The County of Campbell:	\$6,096,065.30
The County of Nelson:	\$250,000.00
The County of Appomattox:	\$250,000.00.

Motion made by Mr. Wolfskill, seconded by Rev. Jones to authorize the County Administrator to execute a consulting contract for interim director services for the Department of Social Services not to exceed \$15,000. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Motion made by Mr. Carter, seconded by Mr. Wolfskill to negotiate the purchase of land with Tax Map Parcels 64A5-A-29, 64A5-A-29A, and 64A5-A-30. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

Motion made by Mr. Wolfskill, seconded by Mr. Carter to authorize and issue a stipend to the appointee and the employee as discussed in closed session. Mr. Hinkle called for a roll call vote: Mr. Carter-yes, Mr. Hipps-yes, Mr. Hinkle-yes, Rev. Jones-yes, Mr. Wolfskill-yes.

UPCOMING MEETINGS

Monday, December 16, 2024 @ 6:00 p.m.

Regular Scheduled Meeting

Board of Supervisors Meeting Room 171 Price Lane, Appomattox, VA 24522

ADJOURNMENT

Motion made by Mr. Carter, seconded by Mr. Hinkle and carried with all other members present, voting yes to adjourn at 7:54 p.m.

Mr. John Hinkle, Chairman