

**BOARD OF SUPERVISORS MEETING
MONDAY, SEPTEMBER 20, 2021
6:00 P.M.**

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, September 20, 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
Trevor L. Hipps	Wreck Island District

Absent:

Watkins M. Abbitt	Piney Mountain 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. Carter

SETTING OF AGENDA

Mrs. Susan Adams, County Administrator requested that the Agenda be amended to include the following action items and Chairman Carter added the action items as: 1a.

Supplemental request from DSS for carry forward funds; 1b. Supplemental request from the Commonwealth Attorney for carry forward funds; 1c. Approve and appropriate funds in the amount of \$31,050 for the Appomattox Fire Department SCBA air packs; 1d. Reallocation request from the Commissioner of the Revenue.

Motion made by Mr. Hogan, seconded by Mr. Hipps and carried with all members present, voting yes to approve the Agenda, as amended.

APPEARANCES

Mr. Michael Womack, Virginia Department of Forestry

Mr. Michael Womack, Forestry Manager for the Virginia Department of Forestry appeared before the Board and provided an update on the Department of Forestry's annual report. He also presented a check to the County in the amount of \$25,801.54 for the annual payment.

ACTION ITEMS ADDED TO AGENDA

Appomattox Department of Social Services

Mr. Brad Burdette, Director of Social Services requested the local funds balance from the FY 2021 budget in the amount of \$12,042.00 to be carried forward into the FY 2022 DSS budget.

Motion made by Mr. Hinkle, seconded by Mr. Hogan to approve and appropriate carry forward funds in the amount of \$12,042.00 to the Social Services FY 2022 budget. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Commonwealth's Attorney CARES Grant Funds

Mr. Les Fleet, Commonwealth's Attorney requested CARES grant funds in the amount of \$379.00 to be carried forward to his FY 2021 budget to line item 2201-5815; \$3,013.65 carried forward to line item 2202-5815 and \$57.38 carried forward to line item 2202-2001.

Motion made by Mr. Hipps, seconded by Mr. Hinkle to approve and appropriate carry forward CARES grant funds to the following department lines: 2201-5815 \$379.00; 2202-2001 \$57.38 and 2202-5815 \$3,013.65. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

County's Obligation Toward Purchase of SCBA Air Packs for the Appomattox Fire Department

Motion made by Mr. Hogan, seconded by Mr. Hinkle to approve and appropriate funds for the County's obligation towards the SCBA Air Packs for the Appomattox Fire Department in the amount of \$31,050.00. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Commissioner of the Revenue Request

Mrs. Sara Henderson, Commissioner of the Revenue appeared before the Board to request approval to promote a current employee to a vacant position that has a higher salary in her office.

Motion made by Mr. Hipps, seconded by Mr. Hinkle to approve the Commissioner of the Revenue's request to use local budgeted funds for employee compensation. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

PUBLIC HEARING (7:00 P.M.) – Proposed Litter Ordinance

At 7:10 p.m. after due notice was given, Chairman Carter called the Public Hearing to order. Appomattox County Sheriff Donnie Simpson appeared before the Board and spoke in favor of the Litter Ordinance. Mr. Ken Wolfskill who resides at 1088 Poorhouse Creek Rd. in Appomattox, VA also addressed the Board and spoke in favor of the Litter Ordinance. After receiving no further comments, the Public Hearing was closed at 7:15 p.m.

Sec. 13.5-1 - Dumping trash, garbage or refuse.

- (a) It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.
- (b) When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Virginia Code § 46.2-936 in making such arrest. When a violation of this section has been observed by any person and the matter dumped or disposed of on the highway, city street, right-of-way or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.
- (c) Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and;
 - i. For a first offense, a fine of not less than \$500.00 or more than \$1,000.00, either or both.
 - ii. For any subsequent offense, a fine of not less than \$1000.00 or more than \$2,500.00, either or both.
- (d) In lieu of the imposition of confinement in jail, the court may order the defendant to perform community service in litter abatement activities.

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

Public Hearing – RZ210301 Danny Booker

At 7:16 p.m. after due notice was given, Chairman Carter called the Public Hearing to order. Mr. Danny Booker has requested to rezone property from R-1, Low-Density Residential Zoning District to A-1, Agricultural Zoning District.

Mr. S. L. Ferguson who is part owner of Re/Max Realty addressed the Board on behalf of the land owner to request consideration that the property be rezoned from R-1 to A-1. After receiving no further comments, the Public Hearing was closed at 7:20 p.m.

Rezoning Application (Piney Mountain District) for Danny Booker, who is seeking to rezone 1.0 acres from R-1, Low-Density Residential Zoning District to A-11, Agricultural Zoning District, located on Redbird Lane, near the intersection of Mockingbird Lane in the Bent Creek community.

AN ORDINANCE TO REZONE 1.0 ACRES LOCATED ON REDBIRD LANE AND IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBERS 5 (A) 78 FROM TO R-1, LOW-DENSITY RESIDENTIAL ZONING DISTRICT TO A-1, AGRICULTURAL ZONING DISTRICT.

WHEREAS, the owner of the subject property has petitioned for the rezoning from R-1, Low-Density Residential Zoning District to A-1, Agricultural Zoning District, of 1.0 acres located on Redbird Lane and otherwise known as Tax Parcel Identification Number 5 (A) 78 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 June 14, 2021 and August 11, 2021 and by the Board of Supervisors on September 20, 2021; and

WHEREAS, the Planning Commission, at its regular meeting on August 11, 2021, having heard no objections 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 1.0 acres of Tax Parcel Identification Numbers 5 (A) 78, as described herein, is hereby rezoned from R-1, Low-Density Residential Zoning District to A-1, Agricultural 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. Hinkle, seconded by Mr. Hogan to adopt an ordinance to rezone 1.0 acres located on Redbird Lane and identified as Tax Parcel Identification Numbers 5(A)78 from R-1 to A-1. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

ACTION ITEMS

Lynchburg Humane Society Lease Agreement

At a Special Called meeting on September 8, 2021, the Board members toured the local animal shelter and assessed conditions to reopen the Appomattox Shelter or continue the lease with the Lynchburg Humane Society to house Appomattox County animals in Lynchburg.

Motion was made by Mr. Hogan, seconded by Mr. Hipps to ask the Lynchburg Humane Society to continue the lease agreement until the end of the calendar year in order to allow County Administration staff the time necessary to determine the steps needed to reopen the Appomattox Animal Shelter. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Resolution in Support of Reducing Fees for a Concealed Handgun Permit in Appomattox County

WHEREAS, citizens of Appomattox County have the Constitutional right to bear arms as well as the right to apply for a Concealed Handgun Permit; and

WHEREAS, Section 18.2-308.03 of the Code of Virginia establishes a maximum total fee of \$50.00 per Concealed Handgun Permit application, with no more than \$35.00 of that amount to be charged by the local law enforcement agency conducting the background investigation on the applicant; and

WHEREAS, the Virginia General Assembly has voted to remove the requirement that Concealed Handgun Applicants be fingerprinted, as fingerprinting was determined to be a labor-intensive process for local law enforcement; and

WHEREAS, considering the \$35.00 maximum fee set forth in Section 18.2-308.03 of the Code of Virginia was established to cover the expense of fingerprinting, forty-eight (48) local law enforcement agencies discontinued charging this fee to their citizens applying for a Concealed Handgun Permit; and

WHEREAS, in Appomattox County, a court order dated July 26, 1995, issued by the Honorable Richard S. Blanton, Appomattox County Circuit Court Judge, established a fee of \$35.00 to cover “the costs associated with the processing of the application through the local law enforcement agency (Appomattox County Sheriff’s Department)”; and

WHEREAS, a February 21, 2020, opinion issued by Virginia Attorney General Mark R. Herring to the Lunenburg County Clerk of the Circuit Court concluded that neither the Board of Supervisors nor the Circuit Court is “statutorily authorized” to set any portion of the discretionary fees associated with the processing of a Concealed Handgun Permit, and that by statute, these fees may only be set in part by the Sheriff and in part by the Virginia State Police.

NOW, THEREFORE BE IT RESOLVED that the Appomattox County Board of Supervisors does hereby request that the Sheriff request to the Court to set the fee at \$15.00, which aligns with the majority of other Law Enforcement agencies throughout the State, who are no longer required to perform fingerprinting services.

BE IT FURTHER RESOLVED that the Board of Supervisors supports following the example of good government set by the nearly fifty (50) local law enforcement agencies that have discontinued charging this fee since fingerprinting is no longer part of the application process for Virginia residents wishing to apply for a Concealed Handgun Permit.

Sheriff Donnie Simpson addressed the Board and stated that he respects the authority of the Circuit Court and the validity of the 1995 order and unless the order is rescinded, he will follow the order, however, if it is the Board’s desire to reduce the fees, he will go forward and submit the request to the Judge.

Motion made by Mr. Hipps, seconded by Mr. Hinkle to adopt the Resolution in support of reducing fees for a concealed handgun permit in Appomattox County. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Schedule Public Hearing-Comprehensive Plan Update

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all members present, voting yes to authorize staff to schedule and advertise a Public Hearing for October 18, 2021 to receive public comments on the Comprehensive Plan update.

Children's Services Act

Please supplement by consent and appropriate the following to the FY 2021 Operating Budget:

5310-3001 Professional Services \$124,991.92

RE: Additional local funds needed to cover FY 2021 CSA expenditures.

Motion made by Mr. Hogan, seconded by Mr. Hipps to appropriate \$124,991.92 to 5310-3001 Professional Services for the FY 2021 operating budget. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Historic Appomattox Railroad Festival Parade

The Board had a discussion to see if anyone was interested in participating in the annual Historic Appomattox Railroad Festival parade scheduled for Saturday, October 9, 2021 at 10:00 a.m. Mr. Hinkle was the only Board member that stated he was interested in participating in the parade.

Appomattox Community Center Rental Refund

Mrs. Anne Dixon, Parks & Recreation Director requested the Board's approval to refund Kelsey Kidd, \$175.00 for a rental at the Community Center. The event was cancelled due to COVID.

Motion made by Mr. Hinkle, seconded by Mr. Hogan to approve and appropriate the refund to Kelsey Kidd in the amount of \$175.00. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

Appomattox County Public Schools - Re-Appropriation Request from FY 2021 to FY 2022

Motion made by Mr. Hogan, seconded by Mr. Hinkle to re-appropriate \$909,263.06 to Fund 3, School Capital Improvement Fund and \$108,716.57 to Fund 6, School Textbook Fund, totaling \$1,017,979.63 to the FY 2022 School budget. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

COMMITTEE APPOINTMENTS

Board of Zoning Appeals Appointment

The Board reviewed an application for citizen service submitted from Ms. Darlene F. Reed. Motion was made by Mr. Hinkle, seconded by Mr. Hipps and carried with all members present, voting yes to submit the recommendation of Ms. Darlene F. Reed to the Judge for appointment to the Board of Zoning Appeals.

2021 Redistricting Overview and Committee Appointments

Tabled to the October 18, 2021 Board of Supervisors meeting.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

September 16, 2021 - FY 2021	\$7,587.47
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TOTAL - FY 2021	\$7,587.47
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September 3, 2021 - FY 2022	\$36,487.00
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September 17, 2021 - CSA FY 22	\$162,605.86
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September 20, 2021 - FY 2022	\$149,424.29
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TOTAL - FY 2022	\$348,517.15
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STAFF RECOMMENDATION: Please review and consider approval of the attached invoices for payment.

Minutes

Please review and adopt the following DRAFT minutes for approval:
August 16, 2021 Regular Board of Supervisors Meeting
September 8, 2021 Special Called Board of Supervisors Meeting

Children's Services Act (CSA)

Please supplement by consent and appropriate the following to the FY 2021 Operating Budget:

5310-3001 Professional Services	\$4,397.41
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RE: Reimbursement from DSS for services provided by CSA in FY 2021.

STAFF RECOMMENDATION: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime	\$542.62
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3102-5408 Vehicle Equip/Gas Supplies	\$2,718.75
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TOTAL	\$3,261.37
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RE: Reimbursement from the School Board for security performed by deputy at High School sport games (\$542.62); Reimbursement from Wayne Alegre for a tow of a Honda dirt bike (\$202.00); Reimbursement from VACORP to repair damages for a 2016 Dodge Charger (\$2,516.75).

Sheriff's Department - DCJS COVID Grant

Please supplement by consent and appropriate the following:

3102-5815 DCJS COVID Grant	\$50,000.00
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RE: COVID grant funds received from DCJS.

STAFF RECOMMENDATION: No new local funds are required.

Public Utilities - Waterline

Please supplement by consent and appropriate the following:

082-1800-5101 Electric Services	\$275.52
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082-1800-5203 Telecommunications	\$54.14
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TOTAL:	\$329.66
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RE: Reimbursement from the Town of Appomattox for July, 2021 waterline electrical and telecommunication 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	\$876.70
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7301-5411 Books	\$312.98
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TOTAL	\$1,189.68
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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	\$13,865.33
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5301-2006	Group Life	\$1,015.89
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5301-2002	ICMA-RC	\$1,512.29
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TOTAL:		\$16,393.51
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RE: Reimbursement from DSS for August, 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. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

ADMINISTRATOR'S REPORT

- Town/County Meeting – To be determined (possible November)
- 87th Annual VACO Conference – November 14-16 at the Hilton Norfolk
- CARES Audit
- School Construction Update
- American Rescue Plan Act – Eligible uses of these funds.
- Region 2000 Services Authority – Member locality trash disposal rates and excess revenue payouts.
- Compensation Board Bonus for Sworn Sheriffs' and Sheriffs' Deputies - \$3000 bonus for each Compensation Board sworn Sheriffs' and Sheriffs' Deputies.
- J.E. Jamerson – Invite to 75 Years of Service Celebration on Thursday, September 30, 2021, 5:30 p.m. to 8:00 p.m.
- Historic Railroad Festival – Schedule of Events starting Friday, October 8th through Sunday, October 10th.

REPORTS AND INFORMATIONAL ITEMS

- A National Day of Remembrance for Murder Victims 2021 – Friday, September 24, 2021, 11:30 a.m. to 2:00 p.m.
- School – July & August, 2021 Financial Reports
- The Good Samaritan Clothing Exchange – Appreciation letter thanking the Board for use of the Old Elementary School for almost 11 years.

SUPERVISORS CONCERNS

Mr. Hinkle still has concerns regarding the ingress and egress at Wendy's.

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):

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning County Administration.
- 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 certain water agreements.

WHEREAS, pursuant to: §2.2-3711 (A)(1) 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. Hogan, seconded by Mr. Hinkle and carried with all members present, voting yes to enter into closed session at 8:06 p.m.

Mrs. Wanda McCormick read the following closed session certification at 8:26 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; Mr. Hogan, yes; Mr. Carter, yes; Mr. Hinkle, yes.

Motion made by Mr. Hinkle, seconded by Mr. Hogan to appropriate up to \$6,000.00 to the Maintenance Department's salary line, 4302-1001. Chairman Carter called for a roll call vote: Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes; Mr. Abbitt-absent.

UPCOMING MEETINGS

Monday, October 18, 2021 @ 6:30 PM

Regular Scheduled Meeting

Board of Supervisors Meeting Room

171 Price Lane, Appomattox, Virginia 24522

ADJOURNMENT

Motion made by Mr. Hogan, seconded by Mr. Carter and carried with all other members present and voting yes to adjourn the meeting at 8:27 p.m.

Samuel E. Carter, Chairman