

**BOARD OF SUPERVISORS MEETING
MONDAY, AUGUST 16, 2021
6:00 P.M.**

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, August 16, 2021 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
Watkins M. Abbitt	Piney Mountain District
John F. Hinkle	Falling River District
Trevor L. Hipps	Wreck Island District

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 6:00 p.m.

Pledge of Allegiance

Invocation – Mr. Hogan

WORK SESSION – ITEMS FOR DISCUSSION

Mr. Jesse Baush, Senior Vice President, with Davenport and Company appeared before the Board to discuss the next steps for the school construction funding and presented the below resolution for the Board's approval.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF APPOMATTOX, VIRGINIA
(APPROVING FARMERS OPTION)**

WHEREAS, the Board of Supervisors **(the “Board of Supervisors”)** of the County of Appomattox, Virginia **(the “County”)** directed Davenport & Company LLC **(the “Financial Advisor”)** to prepare and distribute a Request for Proposals **(the “RFP”)** to obtain financing proposals to finance various County capital needs;

WHEREAS, the Financial Advisor reviewed responses to the RFP for the financing of the Project (as defined below) and along with the County's Bond Counsel, Sands Anderson

PC, Richmond, Virginia (**"Bond Counsel"**) and the County Administrator recommends that the Board of Supervisors accept the proposal dated August 2, 2021 (**the "Proposal"**) from The Farmers Bank of Appomattox (**the "Lender"**) for such financing with an interest rate as set forth in such Proposal and subject to such other terms as set forth therein;

WHEREAS, the Board of Supervisors has requested the Economic Development Authority of Appomattox County, Virginia (**the "Authority"**) to (a) issue, offer and sell its lease revenue bond in an amount of approximately \$10,000,000 (**the "Bond"**) to finance school capital improvements in the County (**the "Project"**), (b) lease the County High School building property (**the "Leased Property"**) from the Appomattox County School Board (**the "School Board"**) for an approximately twenty-six year term under a ground lease, and in turn, lease the Leased Property to the County for a term not to exceed the term of the Bond under a lease agreement with the Authority and (d) secure the Bond by an assignment of its rights under such lease agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) and the ground lease under an assignment agreement, which is to be acknowledged and consented to by the County;

WHEREAS, Bond Counsel will present to the Board at a subsequent meeting drafts of the documents described in the preceding paragraph (**collectively, the "Documents"**) in connection with the transactions described above;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF APPOMATTOX COUNTY, VIRGINIA:

1. The following plan for financing the Project pursuant to the Proposal is approved. The Authority shall use the proceeds from the issuance of the Bond to provide for the financing of the Project and to lease the Leased Property from the School for a lease term of approximately twenty-one years and to lease the Leased Property to the County for a lease term not less than the term of the Bond at a rent sufficient to pay when due the interest and principal on the Bond. The obligation of the Authority to pay principal and interest on the Bond will be limited to rent payments received from the County under the lease agreement. The obligation of the County to pay rent under the lease agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose.

2. The forms of the Documents described herein will be approved by the Board by subsequent resolution.

3. This Resolution shall take effect immediately.

Motion made by Mr. Abbitt, seconded by Mr. Hinkle to adopt the Resolution approving the Farmers Bank financing option. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

SETTING OF AGENDA

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

APPEARANCES

The Appomattox Senior FFA Chapter appeared before the Board and was recognized with the following Resolution:

Resolution Honoring the Appomattox Senior FFA Chapter and Veterinary Science Team for Outstanding Performances at the 95th Virginia FFA Convention

WHEREAS, the National FFA Organization has its roots in the 1925 formation of the Future Farmers of Virginia by four Virginia Tech educators responsible for teaching future agricultural education teachers; and

WHEREAS, the Virginia FFA Association of the National FFA Organization currently has 186 chapters with 9,901 members across the Commonwealth of Virginia; and

WHEREAS, Appomattox Senior FFA is an active chapter of the National FFA Organization and is the premier leadership organization for students in Agricultural Education at Appomattox County High School; and

WHEREAS, the Appomattox Senior FFA Chapter traveled to the Rockingham County Fairgrounds in Harrisonburg, Virginia on June 23, 2021, to participate in multiple statewide Career Development Events as part of the 95th Virginia FFA Convention; and

WHEREAS, the Appomattox Senior FFA Chapter received a Gold rating in the Public Relations Award and received the Southeast Area Chapter Forestry and Wildlife Award; and

WHEREAS, the Appomattox Senior FFA also received a Gold rating in the Superior Chapter contest, earning the opportunity to attend the National FFA Convention in Indianapolis, Indiana, this October; and

WHEREAS, the Appomattox Senior FFA Chapter also earned top honors in the Southeast Area in the Growing Leaders, Building Communities, and Strengthening Agriculture portions of the National Chapter Award contest, and placed first in the State for the Growing Leaders and Strengthening Agriculture contest; and

WHEREAS, the Appomattox Senior FFA Chapter earned First Place in the prestigious statewide National Chapter Award contest; and

WHEREAS, the Appomattox Senior FFA Chapter's Veterinary Science team placed first in the State, beating out 16 other teams to win the State Championship and the right to represent Appomattox County High School and the Commonwealth of Virginia at the National FFA Veterinary Science CDE to be held at the National FFA Convention in Indianapolis this coming October.

AND NOW, THEREFORE, BE IT RESOLVED that with great pride, the Appomattox County Board of Supervisors does hereby honor the Appomattox Senior FFA for earning recognition as the top FFA chapter in the Commonwealth of Virginia. Also, with equally

great pride, the Board of Supervisors does hereby honor the chapter's State Championship Veterinary Science team and its other CDE teams for their excellent performances at the recent Virginia FFA Convention and throughout the previous year.

AND BE IT STILL FURTHER RESOLVED that the Board commends all involved for the dedication and sacrifices necessary to achieve such accomplishments, especially in this year of the COVID-19 pandemic. Furthermore, the Board wishes safe travels and best of luck to those attending the National FFA Convention this October.

Motion made by Mr. Abbitt, seconded by Mr. Hogan and carried with all members present, voting yes to adopt the Resolution honoring the Appomattox Senior FFA Chapter and Veterinary Science Team.

Mr. Gary Wood, Central Virginia Electric Cooperative President appeared before the Board to request consideration for Appomattox County to participate in the regional broadband project and support the application including providing local matching funding not to exceed \$1,166,200.00.

RESOLUTION IN SUPPORT OF REGIONAL BROADBAND GRANT APPLICATION

WHEREAS, Appomattox County is committed to bringing universal broadband internet access to its citizens across the county within the next three years, and

WHEREAS, Firefly Fiber Broadband, Dominion Energy and Rappahannock Electric Cooperative have developed a regional internet service expansion project with the Thomas Jefferson Planning District Commission as the lead applicant with the county being one of multiple counties included in the project to make fiber to the home broadband internet service available to the unserved locations in the county, and

WHEREAS, the preliminary planning for the regional project has identified 1,668 locations in the county as being unserved without access to speeds faster than 25 mbps download or 3 mbps upload, and the preliminary design includes 233 miles of fiber optic cable to be installed in the county to make service available to those locations, with a cost estimate of \$16,012,000 for the construction, creating a need for additional grant funding to make the project financially feasible, and

WHEREAS, this project will seek grant funds from the Virginia Department of Housing and Community Development through its Virginia Telecommunications Initiative (VATI) with an application on or before 14 September 2021, and that application process provides additional scoring points for local contributions to the project, then

BE IT FURTHER RESOLVED that Appomattox County will participate in the regional project and fully support the application including providing local matching funding not to exceed \$1,166,200.

Motion made by Mr. Hogan, seconded by Mr. Hinkle to adopt the Resolution in support of

the regional broadband project. American Recovery Act funding of \$1,166,200.00 will be obligated to this project to cover the expenses. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

PUBLIC HEARING (7:00 P.M.)

Animal Control Ordinance – Proposed Amendments to County Code §9.1-2 (License Tax Amounts) and §9.1-4 (Rabies Vaccines)

At 7:01 p.m. after due notice was given, Chairman Carter called the Public Hearing to order. Mr. Daniel Lass and Ms. Amie Bremer, Animal Control Officers for Appomattox County addressed the Board in support of the amendments to the license tax and rabies vaccines ordinance. Ms. Karen Angulo of Concord, Virginia also addressed the Board with questions concerning the first and subsequent offenses. After receiving no further comments, the Public Hearing was closed at 7:06 p.m.

§9.1-2 License tax amounts.

1.Except as hereinafter provided, it shall be unlawful for any person to own a dog four months old or over in this County unless such dog is licensed as required by the provisions of this article. Dog licenses shall run by the calendar year, namely, from January 1 to December 31, inclusive, and the license tax shall be payable at the office of the Treasurer and shall be as follows:

- A. All dogs. Spayed or neutered: \$4; not spayed or neutered: \$6.
- B. Kennel for 20 dogs: \$25.
- C. Kennel for 30 dogs: \$35.
- D. Kennel for 40 dogs: \$45.
- E. Kennel for 50 dogs: \$50.
- F. No license tax shall be charged for any dog which is trained and serves as a guide dog for a blind or hearing-impaired person.
- G. A fee of \$5 shall be charged for persons wishing to adopt a pet from the animal pound.
- H. Duplicate tag fee: \$1.
- I. Dangerous dog fee: \$50.

2. Any violation of this section shall result in a civil penalty of \$25.00 for a first offense, and \$50.00 for each subsequent offense.

An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

§9.1-4 Rabies Vaccines

(a) Pursuant to Va. Code §3.2-6521 the owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations.

(b) Any violation of this section shall result in a civil penalty of \$75.00 for a first offense, and \$150.00 for each subsequent offense.

An animal control officer or law-enforcement officer may issue a summons for a violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality issuing the summons or ticket prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

Motion made by Mr. Hinkle, seconded by Mr. Abbitt to adopt the amendments to the Animal Control Ordinance. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

Lynchburg Humane Society Lease Agreement

At 7:07 p.m. after due notice was given, Chairman Carter called the Public Hearing to order. Ms. Cathy Brandt who resides at 934 Rough Creek Rd., Appomattox, VA addressed the Board in support of continuing the lease agreement with the Lynchburg Humane Society. Ms. Haley Epperson who resides at 7042 Red House Rd., Phenix, VA, an employee of Appomattox County for four years and previous Appomattox Animal Control Officer addressed the Board in support of keeping the Animal Shelter open for the citizens of Appomattox County. After receiving no further comments, the Public Hearing was closed at 7:19 p.m.

Motion made by Mr. Abbitt, seconded by Mr. Carter and carried with all members present, voting yes to table the Lynchburg Humane Society Lease Agreement to the September, 2021 Board of Supervisors meeting to allow staff to obtain additional information on the cost of running the Appomattox Animal Shelter.

ACTION ITEMS

Rezoning Petition RZ210301-Danny Booker

Motion made by Mr. Abbitt, seconded by Mr. Hogan and carried with all members present, voting yes to authorize staff to schedule and advertise a Public Hearing for September 20, 2021 to receive public comments on the rezoning petition.

“Proposed” Litter Ordinance

Motion made by Mr. Abbitt, seconded by Mr. Hinkle and carried with all members present, voting yes to authorize staff to schedule and advertise a Public Hearing for September 20,

2021 to receive public comments on the "proposed" litter ordinance and to reduce the fine the fine from \$1,000.00 to \$500.00.

Property Requested for Surplus

Sheriff's Office

2014 Dodge Charger, White, VIN *6690
Toast-Qwik Toaster Oven
Thirteen (13) Office Chairs

Old Elementary School Storage

4-Foot Chain Link Fencing, Partial Roll, Approx. 50ft
Several Miscellaneous Chairs
Five (5) Copiers
Parts from Old Nortel Meridian Phone System
Three (3) Small Inkjet Printers
One (1) Typewriter
Office Cubicle Assembly Components
Sixteen (16) Desks

Motion made by Mr. Hogan, seconded by Mr. Hipps to declare the property requested for surplus and authorize the Purchasing Agent to advertise for public sale. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

Wireless Fund

Please transfer by consent **\$2,645.00** from the Wireless Fund and appropriate to **3606-7003** Communications Equipment for repairs to the radio tower.

Motion made by Mr. Hinkle, seconded by Mr. Hipps to transfer by consent \$2,645.00 from the Wireless Fund and appropriate to 3606-7003 Communications Equipment. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

Special Permit Event Application Request

A Special Permit Event Application was submitted to the Board from Ken and Bonnie Swanson for a "Blues Night at Evergreen Lavender Farm" to be held on September 18, 2021 at the Evergreen Lavender Farm located at 7169 Old Evergreen Road in Appomattox, VA. This is a music concert which will start at 7 p.m. and end at 9:30 p.m. There will be food and wine available for purchase. Admission fee is \$10.00 per person. This is a rain or shine event, no plan for cancellation. The Sheriff, Public Safety Director, Building Inspector,

Zoning Administrator and County Administrator have reviewed and approved the application.

Motion made by Mr. Hipps, seconded by Mr. Hogan and carried with all members present, voting yes to approve the Special Event Permit request from Ken and Bonnie Swanson, as presented to include the bond fee waiver.

Appomattox Railroad Festival Request

The Appomattox Railroad Festival requested approval from the Board to use the Courthouse Square, County Parking Lot, Social Services and School Board parking lots, and the sidewalk in front of the Courthouse for vendor space at this year's 48th Annual Historic Appomattox Railroad Festival starting on Friday, October 8th thru Sunday, October 10th.

Motion made by Mr. Hogan, seconded by Mr. Hinkle and carried with all members present, voting yes to approve the request from the Appomattox Railroad Festival.

Memorandum of Understanding with Appomattox County School Board

A Memorandum of Understanding between Appomattox County Board of Supervisors and the Appomattox County School Board was presented to the Board for approval to allocate money received from the CARES Act to provide one hundred (100) broadband connections to students in Appomattox County.

THIS MEMORANDUM OF UNDERSTANDING by and between the APPOMATTOX COUNTY BOARD OF SUPERVISORS ("APPOMATTOX COUNTY") and the APPOMATTOX COUNTY SCHOOL BOARD ("SCHOOLS").

WHEREAS, the COVID-19 pandemic has spread worldwide, causing significant illness, loss of life, and economic disruption around the world; and

WHEREAS, the federal government passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, which provides funding for various programs to address the effects of the COVID-19 pandemic; and

WHEREAS, part of the CARES Act gives monetary assistance to state and local governments *to* help address the direct impacts of the COVID-19 pandemic; and

WHEREAS, Appomattox County has felt the effects of the COVID-19 pandemic in many ways, but the effects have been especially harsh for students in Appomattox County; and

WHEREAS, the parties determined that it would be beneficial to allocate certain CARES Act money for broadband connections for county students; and

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from this Memorandum of Understanding, the parties agree as follows:

1. Appomattox County, Virginia shall allocate money received from the CARES Act to provide one hundred (100) broadband connections to students in Appomattox County.
2. The Schools shall allocate money received from the CARES Act to provide one hundred additional (100) broadband connections to students in Appomattox County
3. Both parties have obtained the authority of their governing bodies to execute this MOU.
4. Either party may terminate this MOU at any time by providing the other party with sixty (60) days written notice.

This Memorandum of Understanding represents the mutually agreed upon goals and responsibilities between Appomattox County and the Schools for the allocation of specific funds from the CARES Act.

Motion made by Mr. Abbitt, seconded by Mr. Hogan to approve the Memorandum of Understanding with the Appomattox County School Board. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

Appomattox County Public Schools - Re-Appropriation Request

The Appomattox County Public School requested the Board's approval to re-appropriate funds currently in the School Capital Improvement Fund, \$909,263.06 and School Textbook Fund, \$108,716.57 which are end of year savings.

Motion made by Mr. Hogan, seconded by Mr. Hinkle to approve the School re-appropriation request. After further Board discussion, a substitute motion was made by Mr. Abbitt, seconded by Mr. Hipps and carried with all members present, voting yes to table the request to the September, 2021 Board of Supervisors meeting to allow staff to obtain a breakdown of expenditures.

COMMITTEE APPOINTMENTS

Board of Zoning Appeals Appointment

Tabled to the September 20, 2021 Board of Supervisors meeting.

CONSENT AGENDA

Invoices Submitted for Payment

Please review the attached invoices and approve for payment:

August 4, 2021 - FY 2021	\$56,425.63
August 12, 2021 CSA - FY 2021	\$37,649.77
August 14, 2021	\$3,846.64
TOTAL - FY 2021	\$97,922.04

August 5, 2021 - FY 2022	\$27,437.63
August 13, 2021 CSA - FY 2022	\$125,820.27
August 16, 2021 - FY 2022	\$263,609.97
TOTAL - FY 2022	\$416,867.87

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

Minutes

Please review and adopt the following DRAFT minutes for approval:
July 19, 2021 Regular Board of Supervisors Meeting

Victim Witness Advocate

Please supplement by consent and appropriate the following to the **FY 2021** operating budget:

2220-5416 Program Supplies	\$1,136.17
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RE: Refund from AIA Corporation for program supplies ordered. Vendor's (Oryx Designs & Promotional Products) mailing address changed, instead of forwarding County check to correct address, the company issued a refund check.

STAFF RECOMMENDATION: No new local funds are required.

Sheriff's Department - DARE Program

Please supplement by consent and appropriate the following:

3106-5401 Office Supplies	\$100.00
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RE: Donation received from the Veterans of Foreign Wars for the DARE program.

STAFF RECOMMENDATION: No new local funds are required.

Public Utilities - Waterline

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

082-1800-5203 Telecommunications	\$56.68
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082-1800-5101 Electric	\$262.78
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TOTAL:	\$319.46
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RE: Reimbursement from the Town of Appomattox for the waterline telephone and electric expenses.

STAFF RECOMMENDATION: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411 Books	\$212.99
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7301-5401 Office Supplies	\$597.25
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TOTAL:	\$810.24
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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 July, 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. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

REPORTS AND INFORMATIONAL ITEMS

Tax Collections Report from the Treasurer, Vicky Phelps

Sands Anderson Delinquent Tax Status Report

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

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 employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning the Circuit Court, the Registrar and certain water agreements.

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WHEREAS, pursuant to: §2.2-3711 (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 and voting yes to enter into closed session at 7:28 p.m.

Mrs. Wanda McCormick read the following closed session certification at 8:41 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. Abbitt, yes; Mr. Hogan, yes; Mr. Carter, yes;

Mr. Hinkle, yes.

Motion made by Mr. Hipps, seconded by Mr. Abbitt to approve the Circuit Court Clerk's request and appropriate \$4,000.00 to the salary line item 2106-1001 and to include the cost of associated benefits due to the salary increase. Chairman Carter called for a roll call vote: Mr. Abbitt, yes; Mr. Hinkle-yes; Mr. Hipps-yes; Mr. Hogan-yes; Mr. Carter-yes.

UPCOMING MEETINGS

Monday, September 20, 2021 @ 6:30 P.M.

Regular Scheduled Meeting

Board of Supervisors Meeting Room

171 Price Lane, Appomattox, Virginia

ADJOURNMENT

Motion made by Mr. Abbitt, seconded by Mr. Carter and carried with all other members present and voting yes to adjourn the meeting at 8:42 p.m.

Samuel E. Carter, Chairman