

BOARD OF SUPERVISORS MEETING
MONDAY, JULY 15, 2019
6:30 PM

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, July 15, 2019 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, Chairman
Watkins M. Abbitt, Jr.	Piney Mountain District
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District, Vice-Chairman
Bryan A. Moody	Wreck Island District

Also Present:

Susan M. Adams, County Administrator
Tom Lacheney, County Attorney
John Spencer, Information Systems Manager/Purchasing Agent
Johnnie Roark, Community Development Director
Vicky Phelps, Finance Director

Call to Order- Chairman Carter
Handicap Accessibility Statement- Susan M. Adams, County Administrator
Pledge of Allegiance
Invocation- Supervisor Hogan
Setting of Agenda

No changes were made to the agenda.

CITIZEN PUBLIC COMMENT PERIOD

Mayor Paul Harvey came forward and stated his address as 68 First Street and stated that he was speaking on behalf of the Railroad Festival Committee. He thanked the Board for their budgeted donation and stated that this festival would not be possible without sponsors.

Joy Bagby came forward and stated her address as 438 Oakley Avenue. Ms. Bagby read an email that was sent to the Town Manager, Gary Shanaberger. Ms. Bagby explained that her neighborhood is looking for assistance to help with removing buzzards that are damaging their property.

Mr. Abbitt suggested a specific shot shell that the Town could look into that are specifically made for this purpose.

Chairman Carter suggested that Ms. Adams contact the Town of Appomattox regarding this issue to see if they have discussed a resolution to this problem.

Mary Lou Spiggle came forward and stated that she is speaking on behalf of her daughter Teresa Spiggle who lives at 234 Patricia Anne Lane. Ms. Spiggle reiterated the problems with buzzards.

Ms. Adams thanked Ms. Bagby for contacting the Board and stated that she would speak with Animal Control about this issue.

PUBLIC HEARING (7:00 PM)

Public Hearing RZ190289-Thomas and Kenneth Tolbert

RZ190289-Thomas and Kenneth Tolbert (property owners), have requested to conditionally rezone property from A-1, Agricultural to B-1, General Commercial to operate a Meat and Produce Market on property located at the intersection of Double Bridges Road and Hundley Springs Road in the Promise Land area. The parcel totals 8.1 acres and is identified as Tax Map Identification Number 87 (A) 47. The property is designated as part of the Rural Preservation Area (RPA) by the 2016 Comprehensive Plan.

Chairman Carter stated that the Planning Commission unanimously recommended approval of the petition to conditionally rezone the property from A-1, Agricultural to B-1 General Commercial.

Mr. Roark, Community Development Director provided the Board with a brief update on the petition request and answered questions and concerns.

Chairman Carter called the Public Hearing to order at 7:00 p.m.

Hearing no comment, Chairman Carter closed the public hearing at 7:02 p.m.

ACTION ITEMS

Appomattox Railroad Festival Special Event Application

Chairman Carter stated that for the Board's review is a letter from Paul Harvey, President of the Appomattox Railroad Festival requesting permission to use the following County properties on Saturday, October 12 and Sunday, October 13, 2019 during the 47th Annual Historic Appomattox Railroad Festival: Courthouse Square, County and school Parking Lots, and the sidewalk in front of the courthouse.

Staff Recommendation: The application has been reviewed and approved by the Sheriff, Public Safety Director, Building Official/Fire Marshall, Sheriff, County Administrator and Zoning Administrator. Per request from Dr. Harvey, approve the use of the listed County properties for the 47th Historic RR Festival and waive the \$25 Special Event Application fee and waive the bond fee.

Mr. Hogan made a motion to approve the use of the listed County properties for the 47th Historic RR Festival and waive the \$25 Special Event Application fee and waive the bond fee. Mr. Millner seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Consideration of Rezoning Petition RZ190289-Thomas and Kenneth Tolbert

Chairman Carter stated that a public hearing has been held and comments received concerning the rezoning petition of Thomas and Kenneth Tolbert to conditionally rezone an 8.05-acre parcel located at the intersection of Double Bridges Road and Hundley Springs Road for the purpose of operating a business. At the June 12, 2109 meeting of the Planning Commission, the Planning Commission accepted a Proffer Statement from the petitioner, which will limit the Permitted Uses to six uses. The Planning Commission unanimously approved the petition to conditionally rezone the property from A-1, Agricultural to B-1, General Business. An ordinance has been prepared for your consideration in accordance with this recommendation.

Conditional Rezoning Application (Falling River District) for Thomas and Kenneth Tolbert, who are seeking to conditionally rezone 8.05 acres from A-1, Agricultural Zoning District to B-1, General Commercial Zoning District, located on Double Bridges Road, at the intersection of Hundley Springs Road in the Promise Land community.

AN ORDINANCE TO CONDITIONALLY REZONE 8.05 ACRES LOCATED ON DOUBLE BRIDGES ROAD AND IDENTIFIED AS TAX PARCEL IDENTIFICATION NUMBERS 87 (A) 47 FROM A-1 AGRICULTURAL ZONING DISTRICT, TO B-1, GENERAL COMMERCIAL ZONING DISTRICT.

WHEREAS, the owner of the subject property has petitioned for the conditional rezoning from A-1, Agricultural Residential Zoning District to B-1, General Commercial Zoning District, of 8.05 acres located on Double Bridges Road and otherwise known as Tax Parcel Identification Number 87 (A) 47 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 12, 2019 and by the Board of Supervisors on July 15, 2019; and

WHEREAS, the Planning Commission, at its regular meeting on June 12, 2019, voted unanimously to accept the petitioner's Proffer Statement and to recommend approval of the petition; and

WHEREAS, Proffer Number One states "All Permitted Uses in the B-1 zoning district are hereby proffered out, thereby making them unlawful, with the exception of the following: a. Automobile Repair Services, b. Convenience Store, c. Personal Services, d. Retail Sales, e. Single Family Dwelling, f. Wayside Stand"; and

WHEREAS, Proffer Number Two states "All Conditional Uses in the B-1 zoning district are hereby proffered out, thereby making them unlawful."; and

WHEREAS, the Board has carefully considered the report, the recommendation of the Planning Commission, the presentation of staff, and the comments offered during the public hearings; 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 Proffer Statement and the Planning Commission’s recommendation, for reason of public necessity, convenience, general welfare, and good zoning practice, the proposed conditional rezoning is hereby granted and 8.05 acres of Tax Parcel Identification Numbers 87 (A) 47, as described herein, is hereby conditionally rezoned from A-1, Agricultural Zoning District to B-1, General Business 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 zoning classification regulations for this property in accordance with the conditions of the Proffer Statement.

This Ordinance shall take effect immediately.

Mr. Abbitt made a motion to approve the ordinance to rezone as presented. Mr. Moody seconded Mr. Abbitt’s motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

CONSENT AGENDA
Invoices Submitted For Payment

Please review the attached invoices and approve for payment:

July 8, 2019 - FY 19	\$27,727.80
July 11, 2019 CSA -FY 19	\$122,910.15
July 15, 2019 - FY 19	\$169,396.41
TOTAL:	\$320,034.36
July 9, 2019 - FY 20	\$40,268.33
July 16, 2019 - FY 20	\$369,495.43
TOTAL:	\$409,763.76

Staff Recommendation: Please review and consider approval of the attached invoices for payment.

Approval of Minutes

Please review the following DRAFT minutes for additions, corrections or questions:

Monday, May 20, 2019 - Scheduled Meeting

Department of Social Services

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$10,490.80
5301-2006	Group Life	\$793.54
5301-2002	ICMA-RC	\$909.11
	TOTAL:	\$12,193.45

RE: Reimbursement for June, 2019 payroll deductions.

Staff Recommendation: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411	Books	\$115.55
7301-5401	Office Supplies	\$396.75
7301-5415	Summer Reading	\$88.00
7301-5101	Electric Services	\$3.65
	TOTAL:	\$603.95

Staff Recommendation: No new local funds are required.

Sheriff/Jail/Operation

Please transfer by consent **\$1,392.00** from 1101-5804 Operating Reserve to 3301-5408 Sheriff/Jail/Operation.

Staff Recommendation: Transfer the requested funds from 1101-5804 Operating Reserve to 3301-5408 Sheriff/Jail/Operation.

Employee Retiree Benefits

Please supplement by consent and appropriate the following: Amount paid to BC/BS for payments received from retiree for health insurance premium.

1101-2006	Life Insurance	\$1,092.00
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Staff Recommendation: No new local funds are required.

Children's Services Act Reimbursement

Please supplement by consent and appropriate the following:

RE: Reimbursements received from the State for services rendered for CSA clients.

5310-3001	Professional Services	\$319,675.55
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Staff Recommendation: No new local funds are required.

Economic Development-Special Project Incentive

Please transfer by consent **\$25,000.00** from 1101-5804 Operating Reserve to 8105-6007 Special Projects.

RE: The Board approved the funds for annual incentive payout to the EDA.

Staff Recommendation: Transfer the requested funds from 1101-5804 Operating Reserve to 8105-6007 Special Projects.

Appomattox and Pamplin Volunteer Fire Depts.

Please supplement by consent and appropriate the following:

RE: Additional fund, over budgeted amount, received from the State Fire Programs FY2019 fund and disbursed to the following departments:

3201-5609	Fire Program - Appomattox	\$769.50
3201-5610	Fire Program - Pamplin	\$769.50
	TOTAL:	\$1,539.00

Staff Recommendation: No new local funds are required.

Commissioner of the Revenue

Please supplement by consent and appropriate the following:

1209-5803	Refunds	\$460.87
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RE: Personal Property tax refunds issued by the Commissioner of the Revenue.

Staff Recommendation: No new local funds are required.

Commissioner of Revenue Refund Requests

Mrs. Sara Henderson, Commissioner of Revenue is requesting the following to be reimbursed in the amount of **\$460.87** from line item **1209-5803**.

1) Refund Toyota Motor Credit Corporation **\$460.87** for first half 2019 Personal Property taxes. The vehicle was returned to leasing company on 12/31/18.

Staff Recommendation: Please consider the Commissioner of Revenue's refund request. A copy of the letter and explanation is attached for your review.

Sheriff's Department

Please transfer by consent **\$3,614.55** from the Courthouse Security Fund and supplement to the following:

3102-1006	Courthouse Security Position	\$3,614.55
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Staff Recommendation: Transfer the requested funds from the Courthouse Security Fund and supplement \$3,614.55 to 3102-1006.

Mr. Hogan made a motion to approve the Consent Agenda minus the request from the Economic Development-Special Project Incentive that has been removed per Mr. Abbitt's request. Mr. Moody seconded Mr. Hogan's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

ITEMS REMOVED FROM CONSENT

Mr. Abbitt requested that the following invoice be removed from the Consent Agenda for discussion, before approval.

Economic Development-Special Project Incentive

Please transfer by consent **\$25,000.00** from 1101-5804 Operating Reserve to 8105-6007 Special Projects.

RE: The Board approved the funds for annual incentive payout to the EDA.

Staff Recommendation: Transfer the requested funds from 1101-5804 Operating Reserve to 8105-6007 Special Projects.

After discussion, Mr. Abbitt made a motion to approve the transfer of requested funds from 1101-5804 Operating Reserve to 8105-6007 Special Projects. Mr. Millner seconded Mr. Abbitt's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

ATTORNEY'S REPORT

Second Addendum to Agreement and Lease with Lynchburg Humane Society

Mr. Lacheney presented an addendum to the Lynchburg Humane Society Lease and ask the Board to consider approval.

SECOND ADDENDUM TO AGREEMENT AND LEASE

Whereas, on January 1, 2017 the COUNTY OF APPOMATTOX, VIRGINIA (County) and LYNCHBURG HUNANE SOCIETY INC. (Society) entered into an Agreement and Lease (the Agreement) whereby the Society agreed to lease and operate the County animal shelter; and

Whereas, the Agreement automatically renewed or 2018, and continues in full force and effect; and

Whereas, the parties entered into an Addendum to said Agreement and Lease on December 27, 2018; and

Whereas, the parties desire to amend the Agreement as follows:

1. The Addendum to Agreement is superseded and replaced by this Second Addendum to Agreement and Lease.
2. The cost of Operation listed in Section 7 of the Agreement shall be \$87,000.00 to be paid biannually on January 2 and July 1 of each year.

3. Section 2 of the Agreement is hereby amended in its entirety to state as follows:

The term of this Agreement shall continue on an automatically renewing six (6) month basis beginning July 1, 2019. Either party may terminate the Agreement by providing the other party with a one hundred eighty (180) day written notice of its intent to terminate the Agreement. The Society shall pay to the County rental for the lease of said Premises in the sum of One Dollar (\$1.00) annually, to be paid on the 1st Day of January of each year. Failure to pay said rental amount shall not be considered a breach of the Agreement.

4. Except as expressly amended herein, all other terms of the Agreement shall remain in full force and effect.

Mr. Moody made a motion to approve the Second Addendum to the Agreement and Lease and to allow the County Administrator to authorize and sign the updated agreement provided by Mr. Lacheney. Mr. Carter seconded Mr. Moody's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

ADMINISTRATOR'S REPORT

Ms. Adams reminded the Board of the High School Renovation Committee meeting which is scheduled for July 23, 2019.

Ms. Adams reminded the Board of the upcoming scheduled Joint meeting with Town of Appomattox on August 14, 2019 at 6:30 p.m. Ms. Adams stated that the location of this joint meeting would be determined and she would contact the Board once location is established.

Ms. Adams stated that the assessors with Wampler-Eanes Appraisal Group would be present at the August meeting to provide an update on the County reassessment.

Ms. Adams reported that Senator Peake would be present to meet with the Board at 5:30 p.m. prior to the scheduled August 19, 2019 meeting.

Ms. Adams reported that the facilities committee needs to schedule a meeting with Carver Price to discuss the revised lease agreement.

Ms. Adams stated that Mr. Roark is available to answer any questions that the Board may have on the Comparisons Report of the Hanover Facility and Appomattox Facility.

REPORTS AND INFORMATIONAL ITEMS

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

Chairman Carter stated that for the Board's review is a copy of the May 9, 2019 Special Meeting minutes and May 23, 2019 monthly Board of Directors meeting minutes from the Robert E. Lee Soil & Water Conservation District.

Auditor of Public Accounts Letter

Chairman Carter stated that for the Board's review is a letter from the Auditor of Public Accounts relevant to an internal audit performed at the Circuit Court Clerk's office. Congrats to Ms. Hix and staff for a job well done!

Campbell County Zoning Application Letters

Chairman Carter stated that for the Board's review are letters from the Campbell County Zoning and Subdivision Administrator:

1) An application received to rezone property located at 247 Station Lane, close to the Campbell/Appomattox boundary. A Planning Commission Public Hearing is scheduled for Monday, July 22nd and Board of Supervisors Public Hearing is scheduled for Tuesday, September 3rd. If approved, the special use permit would modify an existing condition of a previously approved special use permit to allow events to continue until 11:00 pm.

2) An application received to rezone property located on 2953 Spring Mill Road, close to the Campbell/Appomattox boundary. A Planning Commission Public Hearing is scheduled for Monday, July 22nd and Board of Supervisors Public Hearing is scheduled for Tuesday, September 3rd. If approved, the special use permit would allow for the hosting of weddings and other special events on property grounds.

2019 VACo County Officials' Summit

Chairman Carter stated that for the Board's review is information received from VACo relevant to the 2019 County Officials' Summit to be held on Thursday, August 15. If you are interested in attending, please contact Vicky Phelps so that she can complete registration.

Courtland Festival Park Dedication Event

Chairman Carter stated that the Board should have received an invitation to the Courtland Festival Park Dedication event on Friday, July 19th (6-8 pm). After the dedication, the Library is hosting movie night in the Park and will be showing the movie, The Meg. "FREE" Popcorn and Snow Cones. Plan to bring your family, friends, chairs, blankets, etc. and spend the evening in the Park.

SUPERVISOR CONCERNS

Chairman Carter recognized and welcomed Mr. Mark Thomas with Southside Electric. Mr. Thomas provided a Cooperative Magazine to each Board member.

Mr. Hogan stated that he was contacted by a citizen asking to have a road added to the priority list for paving. He stated that the citizen is requesting that Hawk Lane off Rocks Church Road be added to the priority list for consideration of paving.

Ms. Adams stated that she would contact VDOT regarding this request.

UPCOMING MEETINGS

Wednesday, August 14, 2019 @6:30 PM
Joint Meeting with Town Council
Location to be determined

Monday, August 19, 2019 @ 6:30 PM
Regular Scheduled Meeting
Board of Supervisors Meeting Room
171 Price Lane, Appomattox, Virginia

CLOSED SESSION

Tom Lacheney read the following closed meeting certification:

Mr. Abbitt made a motion to adopt the following Closed Session Certification and enter into a closed meeting at 7:04 p.m. Mr. Millner seconded Mr. Abbitt's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

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

- Discussion and consideration of the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body concerning law enforcement. –
- Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
- 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 law enforcement.

WHEREAS, pursuant to: §2.2-3711(A)(1), (A)(5) 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 aforesated matters in Closed Meeting.

At 8:17 p.m., Ms. Phelps read the following Closed Session Certification:

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 close meeting was convened were heard, discussed or considered in the closed meeting:

Ms. Phelps called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye

ADJOURNMENT

Mr. Abbitt made a motion to adjourn the scheduled meeting at 8:17 p.m. Mr. Moody seconded Mr. Abbitt's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The scheduled meeting adjourned at 8:17 p.m.

Samuel E. Carter, Chairman