

The Appomattox County Board of Supervisors held their Regular Meeting on Monday, February 1, 2016 at 6:30 PM in the CVCC Board of Supervisors meeting room, located at 171 Price Lane, Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

Samuel E. Carter	Courthouse District, Chairman
Sara E. Carter	Piney Mountain District, Vice-Chair
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District
Bryan A. Moody	Stonewall District

Also Present:

Susan M. Adams, County Administrator
J. G. Overstreet, County Attorney
Jeff Taylor, Economic Development Director
Johnnie Roark, Community Development Director
John Spencer, Information Systems Manager/Purchasing Agent
Vicky Phelps, Finance

Handicap Accessibility Statement

Mr. Carter read the Handicap Accessibility Statement.

Call to Order

Invocation- Ms. Sara Carter

Pledge of Allegiance

Setting of Agenda

Chairman Carter stated that the Agenda was going to change tonight so that the Board can recognize and congratulate the Appomattox County Raiders Football Team and Cheerleaders who are the Class 2A State Champions. Chairman Carter read the following resolution that was presented to the Appomattox Raider Football Team and Coaches.

**Resolution Honoring the Appomattox County Raiders Football Team
Class 2A State Champions**

WHEREAS, the Appomattox County High School's athletic program promotes education, leadership, sportsmanship, character and citizenship for students by establishing and maintaining high standards for school activities and competitions; and

WHEREAS, Appomattox County High School affords youth the opportunity to participate in athletic and educational programs equivalent to those that are available to youth in other rural and urban communities in Virginia; and

WHEREAS the Appomattox Raiders Football Team ended the 2015 regular season “undefeated” with wins over Buckingham, Rustburg, Heritage, William Campbell, Gretna, Dan River, Altavista, Nelson, Chatham and Amherst High School teams; and

WHEREAS, the Appomattox Raiders Football Team defeated Lee County by the score of 57-7 and Dan River by the score of 28-7 in the Virginia High School League 2A West Regionals; and

WHEREAS, the Appomattox Raiders Football Team defeated Richlands in overtime by the score of 27-21 and Buffalo Gap by a score of 57-6 in the first two rounds of the VHSL State Tournament; and

WHEREAS, the Appomattox Raiders Football Team defeated Clark County by a score of 42-6 in the Class 2A State Championship Game held at Salem Stadium in Salem, Virginia on Saturday, December 12, 2015 to claim the program’s first ever State Championship; and

WHEREAS, the dedicated players, coaches and others crucial to the team’s success have worked diligently to excel against fierce competition from across Virginia while bringing honor to the Appomattox Community.

AND NOW, BE IT THEREFORE RESOLVED, that with great pride, the Appomattox County Board of Supervisors honors and commends the Appomattox Raiders Football Team for representing Appomattox County with skill, talent and determination and for bringing home the VHSL Class 2A State Championship trophy to Appomattox County High School

Mr. Hogan commented to the Appomattox County Raiders Football Team that they may not realize at this time, but they have truly done something extraordinary that may only come by once in a life time. People do recognize this accomplishment; he stated that he has had people in and across the state have sent their congratulations to Appomattox. He stated that I know a man who was conducting business in Clark County and when he found out that this gentleman was from Appomattox, he said "you have a great football team" and congratulated him. He stated that your name is out there and people have spoken about your sportsmanship and the way you carried yourselves this year. He stated that going un-defeated this year is remarkable, but going un-defeated the way you did it, means a lot and it means a lot to the Community. He stated that the whole thing about the Power of One has taught us as adults how we should act and how we should get along. He stated that if adults got along the way these guys on this team did, this Community can accomplish a lot and he appreciates the example that this team has set for us.

Mr. Millner commented to the Appomattox County Raiders Football Team that he would like say that the teams’ determination, precision and resolve were evident throughout the entire football season. He stated that this was totally a team effort to bring the state championship back to Appomattox and everybody on the football team including the Cheerleading squad and Band is to be commended for representing Appomattox so well in every game that was played, not only here in Appomattox, but in other localities throughout the State. He stated that to the football team as the Richlands Coach said before the Appomattox game that I read in a newspaper article, which said to be the best you have to beat the best and Appomattox County is the best, so this team has proved that this season and he then congratulated the team.

Mr. Moody commented to the Appomattox County Raiders Football Team that he loves football and I love what this team has done. He stated that this has been a challenging year for our community. He stated “thank you for standing up for our Savior and standing up for what you believe in and standing up for those other folks in your community and your school and letting them see folks your age stand up for your faith” he congratulated them on their accomplishment.

Ms. Carter stated "Let's do it again next year".

Ms. Adams stated that the Board needed to delete Action Item #5 the XNG Agreement from tonight's Agenda.

Ms. Adams stated that the Board needed to add under Action Items, Commissioner of Revenue.

CITIZEN PUBLIC COMMENT PERIOD

There was no public comment.

APPEARANCES

FY 2015 Financial Report, Mr. Paul Lee

Chairman Carter explained that the Board will now have a presentation of the FY-2015 County Financial Report from Mr. Paul Lee, CPA for Robinson, Farmer, and Cox Associates.

Mr. Paul Lee came forward and stated that feels the audit went very well. He stated that they have seen improvement this year in the bank reconciliation process as well as the closing process. He stated that we have a noted weakness in year-end accruals. He stated the Treasurer will need help posting the year end accruals.

After discussion of the audit presentation, Mr. Lee stated that at the end of the year the County had an unassigned fund balance of approximately \$600,000 which is 7.9% which is a 21% of total expenditures of budget. He stated that the tax collection percentages came up pretty dramatically at 98%.

After questions/comments from the Board, Chairman Carter thanked Mr. Lee for providing the Board with his FY-2015 County Financial Report.

Town of Pamplin Update

Chairman Carter explained that in December 2015, Chairman Craft appointed a committee to research options for assisting the Town of Pamplin with its financial crisis. Mr. Ronnie Spiggle is providing a status update on the committee's assessment of the finances.

Mr. Spiggle came forward and stated that he does not have any numbers to report. He stated that this committee has pulled numerous documents from financial and engineering to review and he has solicited a consultant at no cost which has helped tremendously in going through the documents. He stated that they have had one meeting and have had numerous emails back and forth. He stated that it is a work in progress. He stated that this did not happen overnight and it will not be solved overnight. He stated that he has referred the Town to South East Rural Community Assistance project which is a federal funded agency. He stated that it is critical at this time that the application document gets into them and in talking with the Town Clerk today,

it has not been done. He stated that we are working on this with a lot of variables. He stated that Mayor Horton and the Treasurer, Ms. Johnson have been very acceptable to all the work being done and have been very helpful with getting the information. Mr. Spiggle stated that he hoped to have more information to report at the March meeting.

Chairman Carter thanked Mr. Spiggle for his report.

Virginia Department of Transportation, Don Austin

Chairman Carter stated that Mr. Don Austin, Appomattox Residency Administrator, is appearing before the Board to provide an update on the potential Economic Development Access Road funding application. Mr. Austin is positioned to address any other questions/concerns that the Board has for him.

Mr. Austin came forward and stated that he had met with the natural gas company on the potential Economic Development Access Road project. He stated the County must apply for the Industrial access. He stated that the industrial access is based on the company that has enough investment to fund the development of the roadway. He stated that due to the time frame of this company moving forward, the Board needs to consider passing the resolution that will be submitted with the application.

Mr. Austin stated that this is a no match grant, once you qualify, monies will be received. He stated that money is there and the Virginia Department of Economic Development has stated that it qualifies and money is available.

Ms. Adams thanked Mr. Austin for expediting the process for this grant.

After Mr. Austin answered all questions and concerns from the Board, he provided and discussed a copy of last year's 6-Year Plan and a copy of the Board's priority list of unpaved road if funds are available. He stated that he wanted to give the Board a copy to review and discuss. He stated that he would be glad to meet with the Board at any time or if they want to hold a work session to discuss in further detail before scheduling a public hearing in June.

After discussion and Mr. Austin answered questions/comments from the Board, Mr. Hogan asked Mr. Austin to extend the Board thanks to employees for a job well done with clearing the highways during the last snow storm.

Update from Shentel, James Funkhouser

Chairman Carter stated that Mr. James Funkhouser, Business Development Manager, with Shentel is here to provide an update on the company's services.

Mr. Funkhouser came forward and provided the Board with a brief history of Shentel. He stated that Shentel is a different company now than when they started. He explained that they are now Sprint Wireless affiliates. He stated that the second part of their company is the Broad Band, which is located within Appomattox County.

Mr. Funkhouser discussed the cable television challenges that his company faces while trying to keep prices as reasonable as possible.

After his presentation to the Board, Mr. Funkhouser called for any questions/concerns that the Board may have.

After lengthy discussion and questions and concerns were addressed, Chairman Carter thanked Mr. Funkhouse for meeting with the Board and providing his presentation.

ADMINISTRATOR'S REPORT

Ms. Adams provided the Board with a written administrator's report. (Board file)

Ms. Adams stated that she would like to point out a couple of items, one was the debt service. She stated that this was talked about in January and asked if the Board would like to revisit this or leave as it is. It was the consensus of the Board to hold a work session to discuss this further.

Ms. Adams thanked the Board for the attending the Retreat and stated that she feels that a lot of good information and questions were discussed during the meeting.

Mr. Moody asked Ms. Adams to contact Mr. Trent with Blue Ridge Regional Jail Authority and ask him to attend the March meeting to present their financial statement and also ask him and the Sheriff if they could possibly give a small feasibility study on whether they could offer their services in our facility to help reduce transport time in the evenings and overnight and our staffing concerns that our Sheriff's Department has stated they have with transporting folks outside the County.

Ms. Adams stated that she will contact Mr. Trent to see if he can provide the requested information.

ATTORNEY'S REPORT

Mr. Overstreet stated that as the Board is aware during the Retreat he provided information on the Freedom of Information Act, but deferred his comments on the Conflict of Interest until tonight. Mr. Overstreet then provided the Board with a broad outline of the Conflict of Interest Act.

ACTION ITEMS

Resolution Supporting the Road Access Fund Application

Chairman Carter stated that the Economic Development Director, Jeff Taylor, will be submitting an application to VDOT for road access funds to extend the road further into the industrial park providing access to the XNG property. A requirement of the application is the submission of a resolution from the Governing Body in support of the application. Mr. Taylor is available to address questions concerning the application.

Chairman Carter stated that staff recommends adoption of the Resolution Supporting the Road Access Fund application and authorizing the County Administrator to sign grant related documents.

RESOLUTION

For The Economic Development Access Program

To Connect and Extend West Ridge Lane in Appomattox, Virginia To Provide Road Access to the Xpress Natural Gas, LLC project site In the Appomattox Center for Business and Commerce

At a regularly scheduled meeting of the Appomattox County Board of Supervisors held on February 1, 2016, on a motion by Sara E. Carter, seconded by William H. Hogan, the following resolution was adopted by a vote of five to zero:

WHEREAS, Appomattox County desires to assist in the development of property for the purpose of economic development located off of West Ridge Lane in Appomattox, Virginia, within the Appomattox Center for Business and Commerce (ACBC); and

WHEREAS, XPRESS NATURAL GAS, LLC (XNG), a Massachusetts limited liability company, has contracted to purchase property located in the County of Appomattox and has entered into a firm contract to construct new facilities on that property for the purpose of locating its new midAtlantic compressed natural gas facility; and

WHEREAS, this new facility is expected to involve new private capital investment in land, building, and equipment of approximately \$7,800,000 and XNG is expected to employ up to 50 persons at this facility; and

WHEREAS, operations are expected to begin at this new facility on or about September 30, 2016; and

WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to extend and connect with existing West Ridge Lane; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to West Ridge Lane; and

WHEREAS, the County of Appomattox hereby guarantees that the necessary environmental analysis, mitigation, and fee simple right of way and utility relocations or adjustments for this improvement, if necessary, will be provided at no cost to the Economic Development, Airport and Rail Access Fund; and

WHEREAS, the County of Appomattox acknowledges that no project work may occur, for which the County of Appomattox desires to seek reimbursement, prior to its approval by the Commonwealth Transportation Board, prior to execution of a project administration agreement between Appomattox County and VDOT, and prior to receiving written permission from VDOT; and

WHEREAS, the County of Appomattox hereby guarantees that financing of all ineligible project costs, project costs exceeding the EDA Program project allocation, EDA Program required local matching funds, if applicable, and all costs not justified by eligible capital outlay will be provided from sources other than those administered by the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED THAT: The Appomattox County Board of Supervisors hereby requests that the Commonwealth Transportation Board provide Economic Development Access Program funding to provide adequate road access to this property;

BE IT FURTHER RESOLVED THAT: The County Administrator and/or her designee(s) be authorized to act on behalf of the Board of Supervisors to execute any and all documents necessary to secure the maximum funding allowable under the Economic Development Access Program.

BE IT FURTHER RESOLVED THAT: The Appomattox County Board of Supervisors hereby requests that the new roadway so constructed will be added to and become a part of the secondary system of state highways pursuant to Section 33.2-1509, paragraph C., of the *Code of Virginia*.

A motion was made to adopt the resolution supporting the Road Access Fund application and authorizing the County Administrator to sign grant related documents.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sara E. Carter, Piney Mountain District, Vice-Chairman
SECONDER:	William H. Hogan, Appomattox River District
AYES:	Carter, Hogan, Millner, Moody, Carter

Resolution Honoring the AHS Football State Champions

Chairman Carter stated that the Board requested that staff prepare a resolution in honor of the Appomattox County Raiders Football Team Class 2A State Championship and present it to the team members and coaches at the February meeting.

Chairman Carter stated that staff recommends adoption of the resolution honoring the Raiders Football Team Class 2A State Championship.

**Resolution Honoring the Appomattox County Raiders Football Team
Class 2A State Champions**

WHEREAS, the Appomattox County High School’s athletic program promotes education, leadership, sportsmanship, character and citizenship for students by establishing and maintaining high standards for school activities and competitions; and

WHEREAS, Appomattox County High School affords youth the opportunity to participate in athletic and educational programs equivalent to those that are available to youth in other rural and urban communities in Virginia; and

WHEREAS the Appomattox Raiders Football Team ended the 2015 regular season “undefeated” with wins over Buckingham, Rustburg, Heritage, William Campbell, Gretna, Dan River, Altavista, Nelson, Chatham and Amherst High School teams; and

WHEREAS, the Appomattox Raiders Football Team defeated Lee County by the score of 57-7 and Dan River by the score of 28-7 in the Virginia High School League 2A West Regionals; and

WHEREAS, the Appomattox Raiders Football Team defeated Richlands in overtime by the score of 27-21 and Buffalo Gap by a score of 57-6 in the first two rounds of the VHSL State Tournament; and

WHEREAS, the Appomattox Raiders Football Team defeated Clark County by a score of 42-6 in the Class 2A State Championship Game held at Salem Stadium in Salem, Virginia on Saturday, December 12, 2015 to claim the program’s first ever State Championship; and

WHEREAS, the dedicated players, coaches and others crucial to the team’s success have worked diligently to excel against fierce competition from across Virginia while bringing honor to the Appomattox Community.

AND NOW, BE IT THEREFORE RESOLVED, that with great pride, the Appomattox County Board of Supervisors honors and commends the Appomattox Raiders Football Team for representing Appomattox County with skill, talent and determination and for bringing home the VHSL Class 2A State Championship trophy to Appomattox County High School

A motion was made to adopt the resolution honoring the Raiders Football Team Class 2A State Championship.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sara E. Carter, Piney Mountain District, Vice-Chairman
SECONDER:	William H. Hogan, Appomattox River District
AYES:	Carter, Hogan, Millner, Moody, Carter

Declaration of Local Emergency

Chairman Carter stated that Governor Terry McAuliffe declared a state of emergency on Thursday, January 21, 2016. The action authorized state agencies to assist local governments in responding to a major winter storm Jonas, which was expected to impact the Commonwealth through Sunday, January 24, 2016. Respectively, the Appomattox County Director of Emergency Management, Susan Adams, and County Administrator declared a Local Emergency for Appomattox County. The County's Emergency Operations Policy requires the Governing Body to adopt the attached Local Emergency Declaration.

Chairman Carter stated that staff recommends adoption of the attached Declaration of Local Emergency as a requirement of the EOP to mitigate the effects of Winter Storm Jonas.

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the Director of Emergency Management of Appomattox County found on January 22, 2016:

1. That due to Winter Storm Jonas, Appomattox County was faced with dangerous conditions;
2. That due to Winter Storm Jonas, a condition of extreme peril to life and property necessitates the proclamation of the existence of a local emergency;

NOW THEREFORE, IT IS HEREBY PROCLAIMED that an emergency did exist throughout said Jurisdiction; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said emergency, the powers, functions, and duties of the Emergency Management Organization of Appomattox County were those prescribed by State Law and the Ordinance, Resolutions, and approved plans of Appomattox County in order to mitigate the effects of said emergency.

A motion was made to adopt the Declaration of Local Emergency as a requirement of the EOP to mitigate the effects of Winter Storm Jonas.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sara E. Carter, Piney Mountain District, Vice-Chairman
SECONDER:	Bryan A. Moody, Stonewall District
AYES:	Carter, Hogan, Millner, Moody, Carter

Appomattox Board of Supervisors Meeting Schedule

Chairman Carter stated that staff has prepared the attached 2016 Board Meeting Schedule after the Organizational Meeting in January and is requesting approval of the Board of Supervisors Meeting Schedule for the 2016 Calendar Year.

A motion was made to adopt the 2016 Board of Supervisors meeting Schedule as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Chad E. Millner, Falling River District
SECONDER:	Bryan A. Moody, Stonewall District
AYES:	Carter, Hogan, Millner, Moody, Carter

Authorization to Pay Invoices

Chairman Carter stated that in an effort to eliminate the risk of potential finance charges and late payment fees, the County Administrator and Board Chair are requesting authorization to pre-approve and pay the utility bills, credit card bills, and/or any other bills with a due date prior to the next Board meeting. The same practice of including a copy of the pre-approved invoices for payment in the next Board meeting book will remain in effect.

Chairman Carter stated that staff recommends the Board's consent to follow the stated policy for the payment of invoices.

RESULT: APPROVED BY CONSENSUS

Commissioner of Revenue

Mr. Millner stated that after hearing the discussion at the Retreat on Saturday that followed the presentation from the Commissioner of Revenue regarding the personal property tax rate being revenue neutral, by changing the methodology, and hearing the discussion of the impact of the different figures; he stated that he felt that it would be prudent for the Board to request staff, County Attorney and Commissioner of Revenue to proceed with the preparation of revenue neutral MOU or resolution agreement pertaining to the change in the way the County currently values personal property and then bring the figures back to the Board for final approval.

Ms. Carter stated it is important for the Board to understand that from the Commissioner of Revenue's stand point, she can access any way she wants and we have no control how she does this. She stated that last year when this was being discussed the goal was to have her change this and we were trying to make a trade off that wouldn't cloud or muddy the waters by trying to reach revenue and we would do something that she wanted, which was allow her to get rid of the license tax. She stated that the Board needs to be aware that if we take that license tax and not get rid of it, she will probably not be willing to change the rate, which takes an incredible amount of time.

Mr. Overstreet advised the Board to be very careful with any agreements like this. He stated that the Board has to go through public hearings to set rates and he thinks it would be best if the Board is to make a statement saying that it is our intent and best effort to neutralize rate. He stated that you can let her know that you are going to do what you can to keep the rate as neutral as possible.

After discussion, Ms. Carter made a motion to direct staff to work with the Commissioner of Revenue to come to an agreement and come back to the Board and make sure that everyone continues to be on the same page. Mr. Millner seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

CONSENT AGENDA

Bills

Payment of Invoices Authorization

Please review and approve the attached invoices for payment in the amount of \$217,144.14 which were pre-approved for payment by the Chairman and County Administrator in January 2016.

Please review and consider approval on the attached invoices for payment dated February 1, 2016, in the amount of \$298,602.78.

Minutes

Please review the following minutes for additions corrections and questions:
Monday, December 7, 2015 - Joint Meeting with Virginia Cooperative Extension
Monday, December 7, 2015- Regular Scheduled Meeting

Supplemental Appropriations

J. Robert Jamerson Library

Please supplement by consent and appropriate the following:

7301-5201	Postage	\$ 11.00
7301-5411	Books	\$ 207.19
7301-5401	Office Supplies	\$ 659.03
7301-5415	Summer Reading	\$ 51.50
7301-5840	Special Library	\$ 2.00

Animal Control

Please supplement by consent and appropriate \$110.00 to 3501-5804 Donations Only.

Appomattox County Sheriff's Department

Please supplement by consent and appropriate the following:

\$450.09 to 3102-1002	Overtime	RE: Walmart security on November 26, 2015.
\$459.09 to 3102-5410	Uniforms	RE: Chief Law Enforcement reimbursement

Appomattox County Department of Social Services

Please supplement by consent and appropriate:

5301-2002	VRS	\$11,240.84
5301-2006	Group Life	\$ 685.85
5301-2002	ICMA-RC	\$ 197.32

RE: Social Services Reimbursement for December 2015 Payroll.

Line Item Transfers

Appomattox County Administration

Please transfer by consent the following amounts totaling \$2905.00 to 1201-5408 Vehicle Power Equipment (County Administration)

8105-5408	Vehicle Power Equipment (Economic Development)	\$ 800.00
8104-5408	Vehicle Power Equipment (Zoning/Sub-Division)	\$ 150.00
5310-5408	Vehicle Power Equipment (CSA)	\$1955.00

RE: Line item 5408 was consolidated into the County Administration line item because all of these departments are sharing the same County vehicles and not being utilized as often as they may have been in past years.

Fund Transfer

Law Library-Request from the Treasurer

The Treasurer is submitting a request to transfer \$602.64 from the Law Library Fund to the General Fund. The Circuit Court purchased reference books for the Judges and Lawyers.

Staff recommends approval of the Treasurer's request to transfer \$602.64 from the Law Library Fund to the General Fund.

After discussion, Ms. Carter made a motion to approve the Consent Agenda as presented. Mr. Moody seconded Ms. Carter's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

SUPERVISOR CONCERNS

Mr. Moody discussed an email that he received regarding HB800; He asked if the Board would want to send communication in support or against the mentioned issues in the House Bill.

After discussion, it was the consensus of the Board to have each Board member read and review HB800 and let Ms. Adams know their wish as to sending a document from the Appomattox County Board of Supervisors.

Mr. Hogan stated that he appreciates the Retreat that was held on Saturday and also the effort and work that staff put forth.

Ms. Carter stated that the Saturday Retreat was excellent.

Mr. Millner stated that Saturday's Retreat was very productive and complimented staff.

Mr. Millner asked if Ms. Carter would provide the Board with an update to the Board on the Stormwater Regulations as they go through legislation. Ms. Carter provided the requested update.

ADJOURNMENT

Ms. Carter made a motion to adjourn the meeting at 8:40 p.m. Mr. Millner seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The Regular scheduled meeting adjourned at 8:40 p.m.

Samuel E. Carter, Chairman