

The Appomattox County Board of Supervisors held their regular scheduled meeting on Monday, December 19, 2016 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

Sara E. Carter

Piney Mountain District, Vice-Chair

William H. Hogan

Appomattox River District

Chad E. Millner

Falling River District

Bryan A. Moody

Wreck Island District

Also Present:

Susan M. Adams, County Administrator

J. G. Overstreet, County Attorney

John K. Spencer, Information Systems Manager/Purchase Agent

Johnnie Roark, Community Development Director

Vicky Phelps, Finance

Ms. Adams provided the Handicap Accessibility Statement

Call to Order- Chairman Carter

Invocation- Mr. Hogan

Pledge of Allegiance

Setting of Agenda

No Changes were made to the Agenda.

CITIZEN PUBLIC COMMENT PERIOD

There was no public comment.

ACTION ITEMS

Resolution Honoring Mr. William T. Craft

Chairman Carter stated that the Board of Supervisors requested that County staff prepare a resolution thanking Mr. William "Willie" T. Craft for his loyal, outstanding service representing Appomattox County on the Virginia Alcohol Safety Action Program Board for 21 years.

Mr. Hogan made a motion to approve the resolution for Mr. William Craft for his loyal, outstanding service representing Appomattox County on the Virginia Alcohol Safety Action Program Board for 21 years, with a correction changing his middle initial from T. to H. Ms. Carter seconded Mr. Hogan's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

"Proposed" FY 2018 Budget Calendar

Chairman Carter stated that attached for the Board's review is a copy of the "proposed" calendar of dates for the Board to hold work sessions for the FY 2018 budget.

Mr. Millner requested that Ms. Adams contact Dr. Grasty regarding changing the time of all joint meetings with School Board from 5:00 p.m. to 5:30 p.m.

After discussion, Ms. Carter made a motion to approve the Proposed FY2018 Budget Calendar with the change as requested by Mr. Millner. 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.

County Attorney Retainer Agreement

Chairman Carter stated that in September, Mr. Overstreet notified the Board of Supervisors of his intent to retire December 31, 2016. Respectively, the County issued a RFP for County Attorney Services on two separate occasions and the Board of Supervisors recently conducted interviews with three (3) firms. After the interviews, the Board decided to accept the proposal from Deal & Lacheny P. C. Mr. Thomas Lacheny is designated as the County Attorney and Mr. Timothy Hennigan will serve as the Assistant County Attorney effective January 1, 2017.

Chairman Carter stated that a copy of the Retainer Agreement is attached for the Board's review.

Staff Recommendation: Staff recommends a vote of confidence by accepting the terms of the Retainer Agreement submitted by Mr. Thomas E. Lacheny, President of Deal & Lacheny, P.C. effective January 1, 2017.

RETAINER AGREEMENT

The APPOMATTOX COUNTY BOARD OF SUPERVISORS (Board) and DEAL & LACHENEY P.C. (Lacheny) enter into this retainer agreement effective January 1, 2017:

1. Lacheny shall perform legal services and provide legal advice to the Board of Supervisors, and other County departments, commissions, and agencies as directed by the Board. Thomas E. Lacheny will be designated as the County Attorney and Timothy A. Hennigan shall serve as the Assistant County Attorney for Appomattox County.

2. Lacheny shall have no authority to engage any outside counsel unless it is compensating said outside counsel directly, or unless express authority is obtained from the Board to retain such outside counsel.

3. The County will reimburse Lacheny for any expenses or court costs paid or advanced by Lacheny on behalf of Appomattox County.

4. The Board agrees that Lacheny will be paid the amount of \$5,000.00 per month as compensation for serving as the County Attorney.

5. No employee of Lacheney shall be an employee of the County, but Lacheney shall be an independent contractor with the County.

6. On a monthly basis, Lacheney will provide the County with an invoice and the County shall pay said invoice within thirty (30) days of receipt.

7. The Board may terminate this Agreement at any time, with or without cause, by providing written notice of such termination to Lacheney. Such termination shall not release Appomattox County of its obligation to pay for services already rendered, or expenses already incurred by Lacheney at the time of termination. Lacheney may terminate this Agreement at any time, with or without cause by providing the Board with sixty (60) days written notice of his intention to do so.

Ms. Carter made a motion to approve the Retainer Agreement as presented. Mr. Carter 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.

Tax Valuation Resolution

Chairman Carter stated that at the November 2016 meeting, the Board received a request from the Commissioner of Revenue to communicate a directive of how the Board would like to proceed with the tax valuation on Personal Property and to decide if the intent is to keep or eliminate the current License Fee structure. During the work session, the Board participated in a discussion with the County Attorney and the Commissioner of Revenue via conference call. Staff was asked to prepare a resolution for the December meeting stating the Board's intent based on the terms communicated at the work session.

Staff Recommendation: Staff recommends that the Board adopt the attached resolution and to authorize staff and the County Attorney to work with the Commissioner of Revenue to comply with the legal process in making the appropriate changes.

Resolution of the Board of Supervisors' Intent to Proceed with Tax Valuation Changes

WHEREAS, the Commissioner of Revenue ("Commissioner") requested that the Board of Supervisors ("Board") offer guidance on how they would like to proceed with the County's tax valuation on Personal Property and the current License Fee; and

WHEREAS, the Board and the County Attorney participated on a conference call with the Commissioner during the November 2016 Board of Supervisors Work Session to discuss the intended direction of the Board; and

WHEREAS, it is the intent of the Board to keep the current License Fee structure and to consider changing the County Code Section 7.2-6. License Year to reflect a different collection date; and

WHEREAS, vehicles housed in Appomattox County are currently assessed and taxed at 50% Retail Value which imposes a higher tax rate; and

WHEREAS, the Board requests that the Commissioner change the assessment of vehicles to a 100% valuation method in an effort to reduce the tax rate on vehicles; and

WHEREAS, Appomattox County taxes its citizens on an annual basis for Personal Property at which time the taxes are due annually on the 5th of December; and

WHEREAS, Appomattox County taxes its citizens on a bi-annual basis for Real Property at which time taxes are to be paid in two equal installments; and

WHEREAS, the Board requests the Personal Property taxes be paid in two equal installments.

NOW IT BE RESOLVED, the Board of Supervisors authorizes staff and the Commissioner or Revenue to consult with the County Attorney to proceed with the appropriate process to incorporate these changes.

Adopted by the Appomattox County Board of Supervisors at their regular scheduled meeting held on December 19, 2016.

Ms. Henderson stated that her only issue with the presented resolution would be with the dates being left. She stated that due dates for filing personal property would have to change. She stated that this would need to be worked out with the County Attorney.

After discussion, Ms. Carter made a motion to adopt the presented resolution and to authorize staff and the County Attorney to work with the Commissioner of Revenue to comply with the legal process in making the appropriate changes. Mr. Hogan seconded Ms. Carter's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Hogan, aye.

COMMITTEE APPOINTMENTS

Library Board of Trustees

Chairman Carter stated that the board would need to appoint a representative from the Wreck Island District, effective January 1, 2017, to fill the vacancy on the Library Board of Trustees. The term for this appointment is a 4-year term that will end on December 31, 2020.

Mr. Moody asked for this item to be tabled until the January 2017 meeting.

It was the consensus of the Board to table this item until the regular scheduled meeting in January 2017.

Planning Commission Appointments

Chairman Carter asked the Board to consider the appointment/reappointment of the Falling River District representative and the Piney Mountain District representative whose terms end December 31, 2016:

Mr. Earl Dickerson currently represents the Falling River District and is willing to serve for another 4-year term, if appointed.

Ms. Sara Carter currently represents the Piney Mountain District and requests the Board's consideration to appoint Ms. Annie Trent to serve as the Piney Mountain District representative for a 4-year term.

Staff Recommendation: Re-Appoint Mr. Earl Dickerson (Falling River Representative) and Appointment of Ms. Annie Trent (Piney Mountain District Representative) for 4-year terms beginning January 1, 2017.

Mr. Millner made a motion to re-appoint Mr. Earl Dickerson (Falling River District) to a 4-year term beginning January 1, 2017. Ms. Carter seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Ms. Carter made a motion to appoint Ms. Annie Trent to the Planning Commission representing the Piney Mountain District for a 4-year term beginning January 1, 2017. Chairman Carter called for discussion.

Ms. Adams stated that the board needs to decide if they want representation on the Planning Commission.

Ms. Carter stated that typically the Board Representative is the liaison and non-voting position. She stated that she has been serving in a voting position. She stated that the Board may want to appoint a liaison to serve in a non-voting capacity.

Mr. Overstreet stated that the statute states in the Code of Virginia that one member of the Board of Supervisors may serve in this capacity.

Mr. Millner pointed out that Ms. Carter has requested to not be re-appointed.

Ms. Carter stated that having a member of the Board serving as a liaison and non-voting she feels would be best. She stated that she has been serving both roles, a representative for Piney Mountain District and the Board of Supervisors.

Mr. Hogan suggested that the Board table this issue until the January 4, 2017 Organizational meeting.

It was the consensus of the Board to table this issue until the January 4, 2017 Organizational meeting.

Board of Building Code Appeals Appointments

Chairman Carter asked the Board to consider the appointment/reappointment of the following representatives to the Board of Building Code Appeals for a 3-year term beginning January 1, 2017.

Mr. Blair Smith (Architect) has agreed to serve for another 3-year term, if re-appointed.
Mr. Samuel Webber (Electrician) has agreed to serve for another 3-year term, if re-appointed.

Mr. Joseph Sayers (Professional Engineer) has agreed to serve for a 3-year term, if appointed.

Staff Recommendation: Reappointment Mr. Blair Smith and Mr. Samuel Webber for another 3-year term effective January 1, 2017 and Appointment of Mr. Joseph Sayers for a 3-year term effective January 1, 2017.

Mr. Millner made a motion to re-appoint Mr. Blair Smith for a three-year term effective January 1, 2017. Mr. Moody seconded Mr. Millner's motion. Chairman Carter called for vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Mr. Hogan made a motion to re-appoint Mr. Samuel Webber to a three-year term effective January 1, 2017. Ms. Carter seconded Mr. Hogan's motion. Chairman Carter called for vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Mr. Moody made a motion to appoint Mr. Joseph Sayers to a three-year term effective January 1, 2017. Mr. Millner seconded Mr. Moody's motion. Chairman Carter called for vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

CONSENT AGENDA

December Invoices for Payment

Please review the attached invoices and consider approval for payment:

December 6, 2016 \$ 20,684.45

December 19, 2016 \$517,186.64

Total December Invoices for Payment: \$537,871.09

Staff Recommendation: Approve December invoices for payment in the amount of \$537,871.09

Minutes

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

September 19, 2016 - Regular Scheduled Meeting.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411 Books \$234.24

7301-5401 Office Supplies \$700.80

7301-5415 Summer Reading \$ 29.25

TOTAL: \$964.29

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002 Overtime \$1,686.04 *RE: Security performed for ACHS Football and Volleyball games.*

3102-1002 Overtime \$ 481.62 *RE: Security performed for Walmart on November 24, 2016*

Staff Recommendation: No new local funds are required.

Dept. of Social Services

Please supplement by consent and appropriate the following:

5301-2002 VRS \$9,520.12

5301-2006 Group Life \$ 697.79

5301-2002 ICMA-RC \$ 258.72

RE: Reimbursement for November 2016 Payroll.

Staff Recommends: No new local funds are required.

Parks & Recreation Department

Please supplement by consent and appropriate \$647.28 to 7102-5414 Theme Park Tickets.

RE: Reimbursement for Theme Park Tickets that were not sold.

Staff Recommendation: No new local funds are required.

Animal Control

Please supplement by consent and appropriate \$36.00 to 3501-5804 Donations Only.

RE: Donations received at the Animal Control Shelter.

Staff Recommendation: No new local funds are required.

Board of Supervisors-Operating Reserve

Please supplement by consent and appropriate \$579.80 to 1101-5804 Operating Reserve.

RE: Reimbursement for meals for the BAI User Group meeting that was held at the Community Center on December 9th.

Staff Recommendation: No new local funds are required.

After discussion, Ms. Carter made a motion to approve the Consent Agenda as presented. Mr. Hogan 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.

ATTORNEY'S REPORT

Mr. Overstreet provided the Board with a prepared memo regarding a rental suit that is currently in pending litigation.

Mr. Overstreet discussed the article that was published in the Roanoke Times regarding Lindenburg. He stated that the article required an intensive amount of research and time on the journalist part.

Mr. Overstreet stated that he now has all of the County files arranged and will turn them over to the new Attorney.

Mr. Overstreet stated that this will be his last meeting after serving the Board for thirteen years. He thanked the Board for their confidence in him as their attorney and stated that it has been an honor to serve. He stated that he appreciates this Board and the past Boards and that he considers it a privilege to have worked with each of them.

Chairman Carter thanked Mr. Overstreet for his service and stated that he has represented the Board and the County in a very professional manner.

Each of the Board members echoed the same sentiments of thanks to Mr. Overstreet for his service to the Board and the County.

ADMINISTRATOR'S REPORT

Ms. Adams provided the Board with a written Administrative Report.

Ms. Adams reminded the Board of the dinner for Mr. Overstreet that will take place immediately following the January 4, 2017 Organizational meeting.

Ms. Adams reported that the Appomattox Raiders back to back State Football Champions will be honored during the regular scheduled meeting in January.

Ms. Adams questioned if the Board would like to schedule a special meeting to review and discuss the CIP plan.

It was the consensus of the Board to have Ms. Adams schedule a special meeting to review and discuss the CIP Plan.

Ms. Adams reminded the Board of the upcoming Rural Caucus Dinner and Legislative Day which is scheduled for February 1-February 2, 2017. Ms. Adams asked that members that were interested in participating to please let staff know so that reservations can be made.

Ms. Adams explained the new LOVE works campaign for Appomattox County. She explained the contest and encouraged everyone in attendance to submit their ideas.

Ms. Adams reminded the Board of the upcoming School Board Chairs meeting for December 20, 2016.

SUPERVISOR CONCERNS

Mr. Hogan thanked the County staff for helping him during his first year serving on the Board.

Ms. Carter stated that it has been a rough year; and this County has shown what it is made of.

Mr. Millner echoed Mr. Hogan's statement and then he congratulated the football team on winning their back to back state championship.

Chairman Carter stated that it is amazing to see a team win one-year in the state championship, but to see if back to back is unbelievable. He stated that he also has seen great support from the community for this team and feels that it has helped the community with all that has happened.

ADJOURNMENT

Mr. Moody made a motion to adjourn the regular scheduled meeting at 7:30 p.m. Mr. Hogan seconded Mr. Moody'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 7:40 p.m.

Samuel E. Carter, Chairman