

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, September 18, 2017, at 5:30 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
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District, Vice-Chair
Bryan A. Moody	Stonewall District- (Arrived at 6:43 p.m.)

**Also Present:**

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

Chairman Carter called the meeting to order at 5:33 p.m.  
Handicap Accessibility Statement provided by Ms. Adams, County Administrator  
Pledge of Allegiance  
Invocation- Chairman Carter

**Setting of Agenda**

No changes made to the agenda.

**WORK SESSION**

**CLOSED SESSION**

Mr. Millner read the following statement:

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

Discussion of performance and salaries of specific public officers, appointees, or employees. - §2.2-3711 (A)(1)

Discussion of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body. – 2.2-3711 (A)(3)

Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. -§2.2-3711 (A)(6)

Consultation with legal counsel with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. -§2.2-3711(A)(7)

Whereas, pursuant to:§2.2-3711(A)(1) (A)(3) (A)(6) (A)(7) 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:

Mr. Millner made the motion to enter into a Closed Meeting at 5:35 p.m. Ms. Carter seconded Mr. Millner's motion. Vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, absent.

At 6:31 p.m., Ms. Carter made a motion to recess the Closed Meeting and return to open session. Mr. Hogan seconded Ms. Carter's motion. Vote: Chairman Carter, aye; Ms. Carter, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, absent.

Mayor Harvey came forward and introduced Mr. Gary Shanaberger, the newly appointed Town Manager. Mr. Shanaberger stated that he was starting with a learning curve; however, he looked forward to working with the County.

#### **CITIZEN PUBLIC COMMENT PERIOD**

Ms. Karen Angulo came forward and stated her address as Concord, Virginia. Ms. Angulo stated that first she would like clarification on the Board of Supervisor Bylaws regarding answering questions during public comment.

Ms. Angulo stated that at the last meeting there was discussion regarding someone's messy property, she suggested that the Board leave this issue up to the Civil Courts.

Ms. Angulo questioned an item on the Agenda regarding an MOU with Constitutional Officers and questioned why this was necessary? In addition, was this a conflict of interest?

Ms. Angulo questioned why an increase on vehicle taxes? She stated that taxes are already going from 50% value to 100% value. She stated that the Board should not be reducing the relief. She then provided them with a handout of tax values from Prince William County.

Mr. John Hinkle came forward and stated his address as 5500 Wheelers Spring Road, Appomattox, Virginia. Mr. Hinkle stated that he has concerns with the automobile tax increase especially when you are on a fixed income.

Mr. Hinkle stated that he read an advertisement in the paper asking for citizens to serve on committees. Mr. Hinkle stated that he had filed an application with Ms. Adams a year ago and had received no response.

#### **APPEARANCES**

**Horizon Behavioral Health - Damien Cabezas, CEO**

Chairman Carter stated that Damien Cabezas, CEO of Horizons Behavioral Health, has requested to appear before the Board to provide an annual update on the regional services provided by Horizon Behavioral Health Services.

Mr. Cabezas came forward and provided the Board with a brief update on services provided for Appomattox County. He reported that Horizon had served 254 children, 416 adults with an annual contribution of \$41,000. He stated that the amount of services provided to County residents would equal to \$396,472.

Mr. Cabezas introduced Pauline (client) who proceeded to address the Board with her addiction story and how Horizon helped her to get her life in order. She stated that Horizon has changed her outlook on life. She stated that she has always been treated with respect even through her circumstances. She stated that with the Horizon program, recovery for her has been possible.

### **Maryanne Freshwater, Victim Witness Advocate**

Chairman Carter stated that Ms. Freshwater requested to appear before the Board to provide an update on Domestic Violence Awareness Month and request the Board's consideration to adopt the attached Proclamation for Domestic Violence Awareness Month.

Ms. Freshwater came forward and stated that when she began employment as the Victim Witness in 2004, she worked 20 hours per week until July 2016, which is when the Victim of Crime Act increased tremendously so all part time positions were able to go full time. She stated that she now is able to provide more services. She stated that since 2004, \$84,569.94 has been provided to victims to pay funeral bills, medical bills, rent for when they had to leave home. She stated that October is Domestic Violence Awareness Month and asked the Board to consider supporting the following Proclamation as provided.

## **Proclamation for Domestic Violence Awareness Month**

### **A Proclamation**

Whereas, 1 in every 4 women will experience domestic violence during her lifetime;

Whereas, approximately 15.5 million children are exposed to domestic violence every year;

Whereas, when a family member is abused, it can have long-term damaging effects on the victim that also leave a mark on family, friends, and the community at large;

Whereas, families are indispensable to a stable society, and they should be a place of support to instill responsibility and values in the next generation;

Whereas domestic violence is widespread and is devastating to society as a whole, but particularly women and children;

Whereas, violence against women and children is a prevalent social ill due to the historical imbalance of power in gender and age;

Whereas, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference;

Whereas, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse;

Whereas, victims should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law;

Whereas, victims of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can escape the cycle of abuse;

Whereas, we encourage domestic violence victims and their families to seek assistance from appropriate victims' services organizations and the National Domestic Violence Hotline (1-800-799-SAFE);

Whereas, it is important to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and work to increase public understanding of this significant problem;

Whereas, it is battered women themselves who have been in the forefront of efforts to bring peace, equality, and healing to our homes and communities;

Whereas, local programs, state coalitions, national organizations, and other agencies nationwide are committed to increasing public awareness of domestic violence and its prevalence, and to eliminating it through prevention and education;

Whereas, important partnerships have been formed among criminal and juvenile justice agencies, healthcare providers, allied professionals, and victim services to assist victims of domestic violence and their families;

Whereas, the United States President and Congress as well as other federal agencies have expressed a commitment to eliminating domestic violence both nationally and internationally;

Whereas, our Nation must dedicate ourselves to protecting vulnerable members of our society;

Whereas, our Nation has a moral obligation to work to prevent domestic violence and to address its brutal and destructive effects;

Whereas, our Nation must make ending domestic violence a national priority;

NOW THEREFORE, in recognition of the important work done by domestic violence programs and victims' service providers, the Appomattox County Board of Supervisors do hereby proclaim the month of October as Domestic Violence Awareness Month and urge all citizens to actively participate in the scheduled activities and programs sponsored by the YWCA Domestic Violence Prevention Center and Appomattox County Victim/Witness Assistance Program to work towards the elimination of domestic violence.

Mr. Hogan made a motion to adopt the Proclamation for Domestic Violence Awareness Month as presented. 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.

Ms. Freshwater thanked the Board for their support to the Victim/Witness Program and extended an invitation to the Domestic Violence Vigil that will be held on Thursday, October 19, 2017 at 7 p.m.

### **Bobby Wingfield, Public Safety Director**

Chairman Carter stated that Bobby Wingfield, Public Safety Director, has requested to appear before the Board to provide an update on the upcoming Active Shooter Drill, Dual Response Dispatching Protocol and the new Line of Duty Act training requirements for the Fire Departments.

Mr. Wingfield came forward and explained that an Active shooter drill will be taking place October 9, 2017 at Appomattox Elementary School from 9 am. To 12 p.m. He explained that this will be a full scale exercise which will involve Appomattox Public Schools, Appomattox Emergency Dispatch Center, Emergency Management, Sheriff's Office, Appomattox EMS and Fire along with Virginia State Police and mutual aid partners.

Mr. Wingfield explained that the purpose of this exercise will be to validate the Appomattox County EMS and Fire, Sheriff's Office agency guidelines, the Appomattox County Public School Crisis Management Plan, Appomattox County Emergency Operations Plan in response to and following an active shooter incident.

Mr. Wingfield explained the automatic dual response dispatching protocol. He stated that this would ensure all County citizens would have the same fire response countywide for structure fires. He explained that at least two fire departments would be toned immediately to the structure fire location. He explained that the reason for this automatic dual fire response is the distance and time to respond to structure fires, ISO Community Fire protection guidelines, NFPA standards and to provide adequate resources to the volunteer firefighters. He stated this new dispatch protocol would begin October 1, 2017.

Mr. Wingfield stated that in regards to the Line of Duty Act (LODA) program, during the 2017 General Assembly Session, HB2243(Jones) was introduced as a result of a comprehensive study of the program by the Joint Legislative Audit and Review Commission. He explained this study made several recommendations to ensure the program is efficiently administrated and the program hold long-term financial stability. Mr. Wingfield explained that effective July 1, 2017, the administration of the LODA program was shifted to the Virginia Retirement System (VRS) and VRS now makes all eligibility determinations for LODA benefits as well as issues benefit payments. He stated that the Department of Human Resource Management (DRHM) now administers the LODA Health Benefit Plan. He stated that VRS has developed a new website ([valoda.org](http://valoda.org)) which provides a lot of helpful information.

Mr. Wingfield explained that the Code of Virginia requires employers to train all LODA-eligible employees and the first training must happen within 30 days of being hired and then again every two years thereafter.

Mr. Winfield lastly reported on an upcoming Point of Distribution POD. He explained that public health emergencies resulting from natural or manmade causes might necessitate the timely provision of vaccine medications to save lives, prevent illness or the spread of disease. He stated that dispensing medical countermeasures to a large number of people might be necessary as a response. He explained that Appomattox County will hold a POD site drill at the Appomattox County High School on October 13, 2017 starting at 5 p.m. and ending at 7 p.m., Mr. Wingfield explained that Appomattox County would collaborate with Appomattox Rescue, Appomattox Public Safety, VDH, Appomattox County High School Nurse Aid Program and HOSA. He stated that a VDH public information officer would send out a press release for citizens to come and get a free flu vaccine.

## **ACTION ITEMS**

### **Resolution - Establish Fiscal Year Benefits of County Constitutional Officers and Employees**

Chairman Carter stated that the Board of Supervisors instructed the County Attorney to prepare a Memorandum of Understanding for the Constitutional Officer's consideration. By adopting the County's Employee Manual for their employees, the employees of the Constitutional Officer will be offered expanded benefits over the benefits that are granted to them by Virginia Code statute. Mr. Lacheney sent a letter to all of the Constitutional Officers in July of this year as well as has discussed the questions and/or concerns with them individually. A couple of the departments is engaged in serious discussions with the County Attorney and may be close to a decision to proceed with signing the agreement. The attached resolution will enable them to do so as well as provide documentation in the minutes of their benefits.

### **RESOLUTION TO ESTABLISH FISCAL YEAR BENEFITS OF COUNTY CONSTITUTIONAL OFFICERS AND EMPLOYEES**

WHEREAS, pursuant to Virginia law, Appomattox County is required to provide certain benefits to the Constitutional Officers of the County; and

WHEREAS, pursuant to *Va. Code §2.2-3008* the Constitutional Officers may enter into an agreement with the Appomattox County Board of Supervisors to accept the personnel system of Appomattox County; and

WHEREAS, pursuant to Virginia law, it is in the discretion of the individual Constitutional Officers as to whether they desire to accept the Appomattox County personnel system; and

WHEREAS, the Appomattox County Board of Supervisors has extended to each Constitutional Officer the option to enter into a Memorandum of Understanding (MOU) with the County whereby the Constitutional Officer's employees would operate under the County's personnel policies; and

WHEREAS, it is in the sole discretion of each Constitutional Officer whether to participate in the County personnel system ("Participating Officers") by executing an MOU; and

WHEREAS, certain Constitutional Officers may elect not to participate in the County personnel system (“Non-Participating Officers”);

NOW BE IN THEREFORE RESOLVED by the Board of Supervisors of Appomattox County as follows:

1. The Chairman of the Board of Supervisors for Appomattox County is authorized to sign any MOUs that have been executed by the Participating Officers (and approved as to form by the County Attorney); and
2. Pursuant to *Va. Code §15.2-1605.1*, the employees of all Appomattox County Constitutional Officers shall be paid those pay supplements approved annually by the Appomattox Board of Supervisors.
3. The employees of all Participating Officers shall be included in any payroll reclassifications or salary increases provided to other County employees.
4. Pursuant to *Va. Code §15.2-1517*, the employees of all Constitutional Officers shall be entitled to participate in all group life, accident, and health insurance programs offered by the County to its employees.
5. The employees of all Participating Officers shall be entitled to all holidays, vacation pay, vacation policies, sick pay, and sick policies provided to all other Appomattox County employees.
6. Pursuant to *Va. Code §15.2-1605*, for each fiscal year, the employees of Non-Participating Officers shall be entitled to two (2) weeks of vacation with pay, and seven (7) days of sick leave with pay. All unused vacation time and sick leave shall expire on June 30 of that fiscal year.
7. All unused vacation pay, and sick leave ostensibly previously accrued by the employees of Non-Participating Officers prior to July 1, 2017 shall expire on June 30, 2018.
8. The employees of Non-Participating Officers shall be entitled to the paid holidays listed in *Va. Code §2.2-3300*,
9. The employees of all Participating Officers shall also be entitled to such other benefits, and terms and conditions as are contained in the MOU executed by the Officer and the County.

10. If any Participating Officer should terminate his/her MOU with the County, said Officer's employees shall thereafter become subject to the same terms and conditions contained in this Resolution as they apply to all other Non-Participating Officers.

After discussion, Mr. Hogan made a motion to amend the resolution to change the date in item #7 to read as follows: *All unused vacation pay, and sick leave ostensibly previously accrued by the employees of Non-Participating Officers prior to July 1, 2017 shall expire on June 30, 2018.* Ms. Carter seconded Mr. Hogan'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.

Mr. Hogan made a motion to adopt the resolution as amended. Ms. Carter seconded Mr. Hogan'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.

### **Historic Appomattox Railroad Festival Parade**

Chairman Carter reminded the Board that attached for consideration is an application to participate in the annual Historic Appomattox Railroad Festival parade. He stated that the parade will be held on Saturday, October 14, 2017 and will begin at 9:30 a.m. at the Appomattox County Elementary School.

Staff Recommendation: Decide if the Board wishes to participate in the parade.

### **Personal Property Tax Relief Resolution**

Chairman Carter stated that since January 2012, qualifying vehicles housed in the locality shall receive personal property tax relief. The amount of the tax relief is determined annually and submitted to the Board for approval through Resolution by the Commissioner of Revenue. Attached for your review is a copy of the Resolution defining the new tax relief amount of 31.9% for 2017.

## **RESOLUTION**

BE IT RESOLVED THAT in accordance with the requirements set forth in Section 58.1-39524 (C) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated within the County commencing January 1, 2012, shall receive personal property tax relief in the following manner:

- Personal use vehicle valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 31.9% of tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 31.9% tax relief on the first \$20,000 of value; and

- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

Ms. Carter made a motion to approve the PPTRA Resolution as presented. Mr. Carter 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.

### **Board of Zoning Appeals Appointment**

Chairman Carter stated that at the June meeting, a request to appoint a member to the Board of Zoning Appeals was tabled. Mr. Dale Campbell decided to not seek reappointment to the Board.

Chairman Carter explained that the BZA consists of five (5) citizens appointed by the Circuit Court Judge. The Board of Supervisors traditionally nominates a candidate for four (4) of the positions and the Town nominates one (1) for the Judge's consideration. Currently, one member lives in the Pamplin area, one lives in the Spout Spring area, one lives in the Stonewall area, and one resides in the Town.

**Staff Recommendation:** Please consider a nomination to fill Mr. Campbell's vacated seat on the Board of Zoning Appeals for a five (5) year term. The nomination will be forwarded to the Circuit Court Judge for consideration of appointment.

Ms. Carter stated that she had a call in to someone who may be possibly interested in serving from her district.

It was the consensus of the Board to place this item back on the Agenda in October.

### **COMMITTEE APPOINTMENTS**

#### **J. Robert Jamerson Memorial Library Board of Trustees**

Chairman Carter stated that the Wreck Island district and the Falling River district representatives on the Library Board of Trustees are still currently vacant.

Mr. Moody made a motion to appoint Ms. Cynthia Hall to serve on the J. Robertson Jamerson Memorial Library Board of Trustees with term ending June 20, 2021. Ms. Carter 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.

Mr. Millner stated that he continues to work on filling the vacant position for the Falling River District and hopes to have a name for appointment at the October meeting.

### **CONSENT AGENDA**

#### **Invoices Submitted for Payment**

Please review the attached invoices and consider approval for payment:

September 7, 2017	\$77,899.23
September 18, 2017	\$703,039.02
<b>TOTAL:</b>	<b>\$780,938.25</b>

**Staff Recommendation: Approve invoices as presented for payment in the amount of \$780,938.25**

**Minutes**

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

August 21, 2017 - Scheduled Meeting

**Sheriff's Department**

Please supplement by consent and appropriate the following:

3102-1002	Overtime	<b>\$707.44</b>
	Vehicle Power Equipment	
3102-5408	Supplies	<b>\$1886.00</b>

RE: Reimbursement from the Express Lane for security performed by one deputy and reimbursement from VACORP for repairs to a 2014 Dodge Charger.

**Staff Recommendation: No new local funds are required.**

**J. Robert Jamerson Memorial Library**

Please supplement by consent and appropriate the following:

7301-5411	Books	\$198.00
7301-5401	Office Supplies	\$646.60
7301-5415	Summer Reading	\$17.75
	<b>TOTAL:</b>	<b>\$862.35</b>

**Staff Recommendation: No new local funds are required.**

**Department of Social Services**

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$8,455.21
5301-2006	Group Life	\$630.41
5301-2002	ICMA-RC	\$390.68
	<b>TOTAL:</b>	<b>\$9,476.30</b>

RE: August 2017 Payroll

**Staff Recommendation: No new local funds are required.**

### **Parks & Recreation Department**

Please supplement by consent and appropriate the following:

7102-5414 Theme Park Tickets **\$2,250.00**

RE: Reimbursement for Busch Gardens & Water Country tickets that were not sold.

**Staff Recommendation: No new local funds are required.**

### **Carver-Price Educational Complex**

Please transfer \$237,750 from the County Capital Projects Fund to the General Fund. The roof replacement was approved at a previous meeting as a Capital Project.

Please supplement by consent and appropriate the following:

9104-7014 County Capital Projects **\$237,750.00**

RE: Carver-Price Educational Complex Roof Replacement

**Staff Recommendation: Transfer \$237,750 from the County Capital Projects Fund to the General Fund; Supplement and appropriate \$237,750 to 9104-7014 for the roof replacement at the Carver-Price Educational Complex.**

### **Commissioner of the Revenue - Sara Henderson**

Attached for your review and approval is a letter from Ms. Sara Henderson, Commissioner of Revenue, requesting 2016 tax refunds to the following individuals for taxes that were paid to Appomattox County:

Stephen Allen Jones & Lois Wanda Mays (Residents of Lynchburg City) - \$133.36

Lois Wanda Mays (Resident of Lynchburg City) - \$91.12

Staff Recommendation: Refund tax amounts in the amount of \$133.36 to Stephen & Lois Mays and \$91.12 to Lois Mays for taxes that were paid to Appomattox County in 2016 per request of the Commissioner of Revenue.

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.

### **ADMINISTRATOR'S REPORT**

Ms. Adams reviewed her written Administrative Report and called for questions. Ms. Adams reported that in the VACo Newsletter is an article on Appomattox and the Museum that the Board may find interesting.

Ms. Adams provided the Board with a purchasing report.

Ms. Adams reminded the Board of the upcoming Local Government Dinner and asked that if any member of the Board planned to attend to contact Ms. Phelps so that she can complete the registration.

Ms. Adams reported that a meeting has been scheduled for the Carver Price Museum Board members on October 10, 2017 at 10 a.m. in the County Administrators office.

After discussion of the Solid Waste RFP, it was a consensus that Ms. Carter and Mr. Moody would schedule a meeting to further discuss the Solid Waste RFP and follow up with a report to the Board.

Hearing no Supervisor Concerns, Mr. Millner made a motion to reconvene the Closed Meeting at 7:36 p.m. 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.

At 7:56 p.m., Ms. Phelps read the following Closed Meeting 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 closed meeting was convened were heard, discussed or considered in the closed meeting:

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

#### **ADJOURNMENT**

Mr. Millner made a motion to adjourn the meeting at 7:56 p.m. Mr. Hogan 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.

The Meeting adjourned at 7:56 p.m.

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Samuel E. Carter, Chairman