

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, June 18, 2018 at 6:00 p.m. in the Board of Supervisors meeting room, located at 171 Price Lane, Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

Samuel E. Carter	Courthouse District, Chairman
Watkins M. Abbitt	Piney Mountain District
William H. Hogan	Appomattox River District
Chad E. Millner	Falling River District, Vice-Chair
Bryan A. Moody	Wreck Island District

Also Present:

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

Call to Order at 6:03 p.m. by Chairman Carter
Handicap Accessibility Statement-Susan Adams, County Administrator
Pledge of Allegiance
Invocation-Supervisor Abbitt

Setting of Agenda

There were no changes to the Agenda

Work Session (6PM)

Ms. Adams explained that the County Attorney would address several items that have been brought before the Board of Supervisors at previous meetings.

Mr. Lacheney discussed first a PPEA Ordinance. Mr. Lacheney provided the Board with a sample PPEA Ordinance to review and digest for discussion at a later date. Mr. Lacheney stated that by having a PPEA Ordinance in place it would allow developers to come out with ideas for consideration that could not be considered without a PPEA Ordinance.

Mr. Lacheney next discussed the Fence in-Fence out laws. Mr. Lacheney provided the Board with the history of the Fence-in law, which is, property line is the fence and if you do not want your neighbor's animals in your yard, you fence them out. He stated that the County can change their ordinance to Fence Out or you can change areas of Fence-in and Fence-out, it does not have to be Countywide.

Mr. Lacheney called for questions/concerns from the Board.

Mr. Abbitt stated that he would like to see a fence-in ordinance County wide.

Mr. Lacheney stated that before making this decision, the Board might want to speak with Farm Bureau as this issue may cause much controversy. He stated that you would not be able to exempt just cattle; he explained that a commercial farm could be exempted.

After lengthy discussion, Mr. Abbitt requested that staff contact surrounding counties to see if they have a similar ordinance for review and contact Farm Bureau regarding this issue.

Mr. Moody stated that he liked the idea of filing application if you want to be exempt from the Fence-in law. He asked the County Attorney to advise if he is aware of any other localities that have handled a similar situation in this manner.

Mr. Lacheney reported on the First Responders recouping expenses. Mr. Lacheney explained that there are four situations in which you can recoup expenses from, 1-DUI, 2-Reckless Driving, 3-leaving the scene of an accident and 4-Driving without a license. He stated that the County could charge up to \$1000. He stated that the Commonwealth's Attorney would have to take this to the Circuit Court for approval. He stated that his recommendation if the Board were to decide to do this would be charging a flat fee of \$350.

After lengthy discussion, Mr. Hogan suggested that staff gather more information before any decisions or advertisements are made.

Mr. Abbitt stated that the Board needed more information and to get a copy of the model ordinance that Mr. Garrett had in hand when he spoke before the Board at the previous meeting.

Mr. Moody stated that in listening to the Board's discussion, he feels that two different concepts are being discussed.

ACTION ITEMS

COMMITTEE APPOINTMENTS

Region 2000 Services Authority Board Member Appointments

Chairman Carter stated that at the April 2018 Board of Supervisors meeting, action was taken to reappoint Susan Adams, Board Member and John Spencer, Alternate to the Authority Board. If the Board will reconsider withdrawal of the previous action, Mr. Abbitt has agreed to serve as Alternate to the Region 2000 Services Authority. Staff feels as if his representation may be beneficial for future waste disposal planning purposes.

Mr. Millner made a motion to re-appoint Ms. Susan Adams as representative to the Region 2000 Services Authority Board and Watkins Abbitt, Jr. as Alternate, for a 4-year term (July 1, 2018 thru June 30, 2022). Mr. Moody seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Library Board of Trustees Appointment

Chairman Carter stated that for consideration is the reappointment of Ms. Sharon Goad, Piney Mountain District, and Ms. Becky Henderson (Courthouse District) to the Library Board of Trustees. Ms. Goad and Ms. Henderson have agreed to serve for another 4-year term (July 1, 2018 - June 30, 2022), if reappointed.

Mr. Abbitt made a motion to reappoint Ms. Sharon Goad (Piney Mountain District) and Ms. Henderson (Courthouse District) to the Library Board of Trustees for a 4-year term. (July 2, 2018 - June 30, 2022). 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:

June 1, 2018	\$2,426.00
June 7, 2018	\$30,357.92
June 15, 2018	\$132,526.07
June 18, 2018	\$235,393.35
TOTAL:	\$400,703.34

Staff Recommendation: Approval of the attached invoices for payment.

Minutes

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

Scheduled Meeting - May 21, 2018

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-5408	Vehicle Power Equipment	\$350.00
	Supply	
3102-1002	Overtime	\$1,502.41
	TOTAL:	\$1,852.41

RE: Reimbursement for towing and storage fee (\$350.00); Reimbursement for security performed by one deputy at the Appomattox County Republican Committee meeting (\$194.37); Reimbursement for security performed by one deputy at the Express Lane (\$406.96); Reimbursement for security performed by one deputy at the Appomattox County High School during Spring sports (\$901.08).

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3106-5401	DARE	\$575.00
-----------	------	-----------------

RE: Donations for Sheriff's Night Out

Staff Recommendation: No new local funds are required.

Sheriff's Department - Road Side Clean Up

Please supplement by consent and appropriate the following:

4209-5804	Recycle Funds	\$82.75
-----------	---------------	----------------

RE: Sale of aluminum cans for scrap metal that were picked up by the Inmate Road Work Program.

Staff Recommendation: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411	Books	\$293.00
7301-5401	Office Supplies	\$718.54
7301-5415	Summer Reading	\$377.00
	TOTAL:	\$1,388.54

Staff Recommendation: No new local funds are required.

Clerk of the Circuit Court

Please supplement by consent and appropriate the following:

2106-7001	Equipment	\$2,750.00
2106-3010	Data Processing	\$7,000.00
	TOTAL:	\$9,750.00

RE: Reimbursement from the State Technology Trust Funds for equipment and Supreme Court of Virginia Online hosting, maintenance, technical services.

Staff Recommendation: No new local funds are required.

General Properties - Maintenance Department

Please supplement by consent and appropriate the following:

4302-5407	Repairs & Maintenance Supply	\$55.66
-----------	---------------------------------	----------------

RE: Reimbursement from Tractor Supply for account credit balance.

Staff Recommendation: No new local funds are required.

Board of Supervisors Operating Reserve

Please supplement by consent and appropriate the following:

1101-5804 Operating Reserve **\$629.12**

RE: Reimbursement from Courtland Park Foundation for tables and event insurance purchased for the Park (\$534.84) and reimbursement received from the Town of Appomattox for food served at the LOVE sign unveiling (\$94.28).

Staff Recommendation: No new local funds are required.

Commissioner of Revenue Refund Request

Mrs. Sara Henderson, Commissioner of Revenue, is requesting the following to be paid from line item 1209-5803:

- 1) Refund Wayne M. Pettit \$45.85 for penalty and interest that he paid to Appomattox County for 2017 taxes. Mr. Pettit lives in Accomack County. He was previously refunded \$247.80 for the 2017 taxes, but it did not include the penalty and interest that he had also paid.
- 2) Refund James Hugh Braford \$402.05 for 2017 and 2018 Real Estate Taxes paid on a doublewide mobile home that was sold June 9, 2017.
- 3) Refund Elizabeth Pankey \$72.08 for 2015 & 2016 taxes paid on a singlewide. Double assessed on a singlewide.

Staff Recommendation: Refund Mr. Pettit \$45.85 for penalty and interest paid; refund Mr. Braford \$402.05 for Real Estate & Personal Property taxes paid; refund Ms. Pankey \$72.05 for Personal Property taxes paid.

Information Technology Department

Please supplement by consent and appropriate the following:

1220-1001 Salaries & Wages **\$30.00**

RE: Reimbursement for John Spencer serving one-day jury duty.

Staff Recommendation: No new local funds are required.

Department of Social Services

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$8,487.61
5301-2006	Group Life	\$635.22
5301-2002	ICMA-RC	\$405.48
	TOTAL:	\$9,528.31

RE: Reimbursement for May 2018 payroll deductions.

Staff Recommendation: No new local funds are required.

Mr. Hogan made a motion to approve the Consent Agenda with the removal of the refund request from the Commissioner of Revenue. Mr. Millner 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. Hogan stated that he asked that the invoice from the Commissioner of Revenue for a refund be pulled from the Consent Agenda due to needing clarification on the request before approving.

Ms. Adams stated that she had reached out to the Commissioner of Revenue to get clarification and Ms. Henderson was not in the office. Ms. Adams stated that a staff member stated that Mr. Bradford never owned the doublewide only the property.

After discussion, Mr. Miller suggested tabling this item until the County Administrator has had an opportunity to discuss with the Commissioner of Revenue for clarification.

Mr. Hogan made a motion to approve the refund to Mr. Wayne M. Pettit for \$45.85 and Ms. Pankey for \$72.08 as requested by the Commissioner of Revenue, but not make payment to Mr. James Hugh Bradford for \$402.05 until clarification is received. Mr. Abbitt 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.

ADMINISTRATOR'S REPORT

Ms. Adams provided the Board with a written report dated June 17, 2018.

Ms. Adams provided the Board with an update on an earlier meeting with Carver Price Alumni, which included Ms. Ora McCoy, Ms. Annie Trent and Mr. Jesse Lewis on their plans for the old auditorium in the old Elementary School.

After discussion, Mr. Hogan asked if they have a strategic plan. He stated that he is in favor of the project; however, he would like to hear their plans.

Mr. Moody stated that he also is in favor of the project; however, they must realize that the Board has policies and procedures that must be followed.

Ms. Adams explained that she had received a letter from the School requesting additional \$34,360 in local funds over last years funded amount.

Ms. Adams reported that the Sheriff has provided a list for the compression of three percent, which would be for any deputy with five years of less. She stated that this would bring the starting salary up to \$32,578. She stated that all other deputies would receive the two percent increase.

Ms. Adams reported that she had received a letter from the Commissioner of Revenue and the Treasurer regarding signing the MOU between the County and the Constitutional Officers.

Mr. Lacheney stated that if the Board were to accept the letter's requests a new resolution would need to be passed which would be amending the previous adopted resolution.

Chairman Carter asked Mr. Lacheney to summarize the MOU for him, that with all the discussion he wanted to make sure he had a clear understanding.

Mr. Lacheney explained that Constitutional Officers and their staff receive from State annually, two weeks of annual leave and one week of sick leave which cannot be carried over to the next year. He stated that with the MOU between the Constitutional Officers and the County that was given to them to review and sign, employees would receive the same leave benefits as County employees. He explained that he had spoken with all Constitutional Officers regarding this and that is what the resolution said that the Board adopted that last year. He stated that if the MOU is signed they will receive all increases on their full salary not Compensation Board salary. He explained that they would be treated like all County employees.

Mr. Abbitt stated that he thought the Board had an agreement at the last meeting to accept this without them working different office hours.

Mr. Abbitt explained that a resolution adopted by a previous Board could not govern the present Board.

After lengthy discussion, Mr. Hogan asked the County Attorney to amend the resolution that was previously adopted.

Mr. Millner stated that before amending the previous resolution, he felt that they needed to see if the Board is agreeable to this change before asking the County Attorney to make the change.

Mr. Abbitt stated that this was brought to the Board that Constitutional Officers would sign the MOU, but with no change in their office hours.

After lengthy discussion on the office hours of County and Constitutional offices, Mr. Hogan stated that he was in favor of allowing the MOU to be signed minus the office hours. He stated that all of the offices in the area open at different times. He stated that this MOU discussion began in order to fix the payout and accrued leave.

Mr. Abbitt stated that the employees at the Convenience Sites come in at 7am and previously came in at 6:30 am.

Chairman Carter stated that he wanted to make sure the Board was being fair to the County staff.

After discussion, Mr. Abbitt made a motion for the Board to amend to MOU to allow Constitutional Officers to come to work at 8:30 am instead of 8:00 am.

Mr. Hogan suggested allowing each of them to set their own hours once the MOU has been signed.

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

Motion did not carry.

REPORTS AND INFORMATIONAL ITEMS

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

Chairman Carter stated that for the Board's review is a copy of the April 26, 2018 Monthly Board of Directors meeting minutes.

Appomattox County Public Schools

Chairman Carter stated that for the Board's review is a copy of the May 2018 Month-end Financial Report from Dr. Dorinda Grasty and Bruce McMillian. Page 1 of the Report reflects 78.22% of the appropriated budget has been expended and pages 2 - 5 reflects 62.81% of revenues/reimbursements received.

Note: As of May 31, 2018, the report reflects the following balances (the School will request the Fund balances as of June 30, 2018, in July as Carry Forward funds): **Capital Improve Fund - \$ 28,043.51 (\$139,620.19 has been encumbered but not spent), Textbook Fund - \$423,421.12, Carry Forward, General - \$\$281,068.82**

CLOSED SESSION

Mr. Lacheney read the following closed meeting authorization:

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

Discussion or consideration of the acquisition of real property with respect to CCUSA for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. §2.2-3711) A) (3)

Consultation with legal counsel employed or retained by a public body regarding specific legal matters concerning the zoning ordinance requiring the provision of legal advice by such counsel. §2.2-3711(A) (8)

Whereas, pursuant to: §2.2-3711 (A) (3) 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.

Mr. Millner made a motion to enter in Closed Session at 7:42pm. Mr. Moody seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Mr. Hogan made a motion to return to regular session at 8:00 pm. 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.

Mr. Abbitt made a motion to authorize the County Administrator enter into contact with CCUSA to acquire property for \$25,000. Mr. Moody 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.

ADJOURNMENT

Mr. Millner made a motion to adjourn the regular scheduled meeting at 8:03 pm. Mr. Abbitt seconded Mr. Millner's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Samuel E. Carter, Chairman