

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

The Appomattox County Board of Supervisors held a scheduled meeting on Monday, April 15, 2019 at 6:30 p.m. in the Board of Supervisors meeting room located at 171 Price Lane, Appomattox, Virginia.

Appomattox County Board of Supervisors

Present:

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

Also Present:

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

Call to Order – Chairman Carter called the meeting to order at 6:30 p.m.
Handicap Accessibility Statement- Susan M. Adams, County Administrator
Pledge of Allegiance
Invocation – Supervisor Millner
Approval of Agenda

Ms. Adams asked the Board to delete from the Agenda under the scheduled appearances, Ms. Susan Walton, Appomattox Rescue Squad, who was unable to attend.

Mr. Hogan made a motion to approve the agenda with the mentioned change. 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.

CITIZEN PUBLIC COMMENT PERIOD

Chairman Carter called for public comment.

Mr. Don Wilke came forward and stated his address as 1848 Church Street, Appomattox. Mr. Wilke reported that the County website needed updating.

Chairman Carter thanked Mr. Wilke for his comments and called on Mr. Robert Brown, VDOT to come and discuss the Draft Six Year Plan and the Rural Rustic Priority List.

Mr. Brown thanked the Board and Ms. Adams for their support towards him as the incoming VDOT Resident Administrator.

Mr. Brown discussed the proposed Six Year Secondary System Construction Plan and the Rural Rustic Priority List and called for any questions or concerns from members of the Board.

Mr. Abbitt congratulated Mr. Brown on his new position and questioned the number of miles of unpaved roads in the County.

Mr. Brown stated that he was not sure of the number of miles of unpaved roads but will research and report back to the Board.

Chairman Carter congratulated Mr. Brown on his new position and thanked him for coming and providing the Board with an update on the Draft Six Year Plan and the Rural Rustic Priority List.

After discussion, it was the consensus of the Board to hold a public hearing on the Proposed Six Year Plan and the Rural Rustic Priority List for 2019 at the May 20, 2019 meeting.

APPEARANCES

Steven Wampler, Wampler-Eanes Assessment

Chairman Carter explained that in 2018 and through the RFP process, the County solicited proposals for reassessment services and had contracted with Wampler-Eanes to perform the County's required 6-year reassessment. He explained that Mr. Steven Wampler is appearing before the Board to provide a status update on the findings of the sales study and other data that the company utilizes to perform the reassessment of County properties.

Mr. Wampler came forward and provided the Board with a presentation and update on the progress of the current reassessment.

Following Mr. Wampler's presentation, he allowed times for questions.

Chairman Carter stated that he had been hearing from some realtors who were suggesting that the appraisals and costs were going down; however, in the report just given by Mr. Wampler, it proves different. He thanked Mr. Wampler for coming and providing the Board with an update.

Robert E. Lee Soil & Water Conservation District - Mr. Jonathan Wooldridge

Chairman Carter stated that the Board requested to receive an update from the Robert E. Lee Soil & Water Conservation District. Mr. Jonathan Wooldridge is present to provide an update on the agency's activities and how the County's contribution is utilized.

Mr. Wooldridge provided the Board with an update on their programs, thanked the Board for their contribution, and stated that the provided contribution helps to keep the doors open.

Appomattox Tourism Committee - Don Jones, Chairman & Anne Dixon

Chairman Carter stated that Mr. Don Jones, Chairman of the Appomattox Tourism Committee and Anne Dixon, Parks & Recreation/Tourism Director have requested to appear before the

Board to provide an update on past and present activities. Additionally, the Board had requested that Ms. Dixon provide an update on the County Department's activities.

STAFF RECOMMENDATION: Consider Appomattox Tourism Committee's \$7500 request to be included in the FY 2020 budget.

Ms. Dixon provided the Board with an update on the County Department's activities.

Mr. Jones and Ms. Dixon came forward and provided the Board with an update on all activities as supported by the Appomattox County Tourism Committee and reported on upcoming activities.

Mr. Jones thanked the Board for their continued support and stated that nowhere in this Country can you find more history than here in Appomattox.

Chairman Carter opened the floor for discussion.

Mr. Abbitt stated that he felt this was money well spent and made a motion to contribute \$7, 500 to the Appomattox Tourism Committee as requested. Mr. Hogan seconded Mr. Abbitt's motion. Chairman Carter called for discussion.

Mr. Moody stated that he supports this motion, however, he cautioned the including of private businesses, he stated that with this being tax payer's dollars this could present a problem.

Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

PUBLIC HEARING (7:00 PM)

Public Hearing-Amendments to the Zoning Ordinance, Section 19.6-34-Violations of the Zoning Ordinance; notice of violation

Chairman Carter stated that a public hearing has been scheduled to receive public comment on a proposed amendment to Section 19.6-34 of the Zoning Ordinance dealing with violations of the ordinance and creating Section 19.6-34.1-Civil Penalties and Section 19.6-34.2 Criminal Penalties.

Chairman Carter opened the Public Hearing at 7:10 p.m.

Chairman Carter called for public comment.

Hearing no public comment, he closed the public hearing at 7:11

Consideration of Proposed Amendments to the Zoning Ordinance-Section 19.6-34 Violations of the Zoning Ordinance; notice of violation

Chairman Carter stated that a public hearing has been held and comments received concerning the amendments to the Zoning Ordinance. An ordinance has been prepared for your

consideration. At their February 13, 2019 meeting, the Planning Commission voted unanimously to recommend approval of the amendments.

ORDINANCE

AN ORDINANCE AMENDING THE CODE OF APPOMATTOX COUNTY, TITLE 19 (LAND USE AND DEVELOPMENT), CHAPTER 19.6 (ZONING), ARTICLE II (GENERAL ADMINISTRATIVE PROCEDURES), TO PROVIDE FOR CIVIL PENALTIES AND TO LIMIT CRIMINAL PENALTIES FOR VIOLATION OF THE ZONING ORDINANCE, BY AMENDING THE EXISTING 19.6-34 AND CREATING SECTIONS 19.6-34.1 AND 19.6-34.2.

WHEREAS, Sections 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950, as may be amended from time to time, enable a local governing body to adopt, amend and codify ordinances or portions thereof; and

WHEREAS, Section 15.2-2209 of the Code of Virginia, 1950, as amended, enables a local governing body generally to provide for civil penalties for violations of its zoning ordinance, in addition to criminal penalties as provided in § 15.2-2286(A)(5); and

WHEREAS, the Code of Appomattox County presently provides only for the imposition of criminal penalties but not civil penalties for violation of its zoning ordinance; and

WHEREAS, the full text of this amendment was available for public inspection in the Appomattox County Administrator’s Office, 153-A Morton Lane, Appomattox, Virginia 24522; and

WHEREAS, the Appomattox County Joint Planning Commission held a public hearing on February 13, 2019 and all those wishing to speak on this topic were heard; and

WHEREAS, the Appomattox County Joint Planning Commission voted unanimously to recommend approval of the amendment as written; and

WHEREAS, on April 15, 2019, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF APPOMATTOX, that Section 19.6-34 is hereby amended as follows; and that Sections 19.6-34.1 and 19.6-34.2 are hereby created as follows.

19.6-34 Violation of provision of Zoning Ordinance; notice of violation.

- A. Any person, whether the owner, lessee, principal, agent, employee or otherwise, who violates or fails to comply with any of the provisions or requirements of this zoning chapter including, but not limited to, provisions of the district regulations, proffers accepted by the board, or conditions of approval imposed by the board, or the improvement, development, or alteration

of any site in violation of any plan approved pursuant to this article, shall be subject to the following:

- (1) A civil penalty, as provided for in Section 19.6-34.1; and/or
 - (2) Criminal penalties, as provided for in Section 19.6-34.2.
- B. If the zoning administrator determines that a violation of the zoning chapter has occurred, a notice of violation shall be issued to a person or entity responsible for such violation; provided that a notice of violation shall not be required when the zoning administrator or his designee issue a ticket as set forth in Section 19.6-34.1. A notice of violation shall include the following information:
- (1) the date of the notice;
 - (2) the basis for the decision;
 - (3) a statement informing the recipient that the decision may be appealed to the board of zoning appeals within applicable appeal period and that the decision shall be final and unappealable if it is not timely appealed; and
 - (4) the time within which the violation shall be abated.

The notice shall be either hand delivered, posted on the door of a building on the site, or mailed by regular or certified mail, provided that notice to the property owner, sent by certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this section. In addition, if the notice of violation is issued to a person other than the property owner, a copy of the notice shall also be sent to the owner of the property.

- C. The amendment of this Section on April 15, 2019, shall not affect any criminal prosecution under this Section commenced prior to that amendment.

19.6-34.1 Civil penalties.

- A. Any person who violates or fails to comply with any of the provisions or requirements of the Zoning Ordinance as described in Section 19.6-34 shall be subject to a civil penalty of two hundred dollars (\$200.00) for the initial summons or ticket, and a civil penalty of five hundred dollars (\$500.00) for each additional summons or ticket arising from the same set of operative facts.
- B. Proceedings seeking civil penalties for all violations of the Zoning Ordinance shall commence either by the filing of a civil summons in the general district court or by issuance of a ticket by the zoning administrator or his designee. A ticket shall only be issued by the zoning administrator or his designee when, in the judgment of the zoning administrator or his designee, the violation can be corrected without significant delay and the violator has failed to do so after being given a reasonable opportunity to do so.
- C. Each day during which any violation exists shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of five thousand dollars (\$5,000.00).

- D. A civil summons or ticket issued shall contain the following information:
- (1) the name and address of the person charged.
 - (2) the nature of the violation and the section provision(s) being violated.
 - (3) the location, date and time that the infraction occurred or was observed.
 - (4) the amount of the civil penalty assessed for the violation.
 - (5) the manner, location and time in which the civil penalty may be paid to the county.
 - (6) the right of the recipient of a civil summons to elect to stand trial for the violation, and either the date scheduled for such trial or the date for scheduling of such trial by the court.
- E. The summons or ticket shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the county treasurer's office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court; however, an admission shall not be deemed a criminal conviction for any purpose.
- F. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- G. The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000.00). After the civil penalties reach the five thousand dollar (\$5,000.00) limit, the violation may be prosecuted as a criminal misdemeanor under section 19.6-34.2.
- H. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning chapter. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than six (6) months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.
- I. Designation of a particular violation of Chapter 19.6 for a civil penalty pursuant to this Section shall be in lieu of criminal sanctions; and, except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.
- J. This section shall not be construed to allow the imposition of civil penalties for (1) activities related to land development, or (2) the violation of any provision of Chapter 19.6 of the Code of Appomattox County relating to the posting of signs on public property or public rights-of-way.

19.6-34.2 Criminal penalties.

- A. A person shall be guilty of a misdemeanor offense if he commits any of the following violations of Chapter 19.6 of the Code of the Appomattox County:
- (1) any violation of the provisions of Chapter 19.6 that results in physical harm or injury to any person;
 - (2) any violation or failure to comply that occurs after the five thousand dollar (\$5,000.00) maximum aggregate civil penalty provided in section 19.6-34 has been reached;
 - (3) any sign posted on public property or in public rights-of-way in contravention of this zoning ordinance;
 - (4) any land development activity without applicable permit; or
 - (5) any violation for which a prosecution under Section 19.6-34 had already commenced prior to the amendment of that section on April 15, 2019.
- B. The pursuit of criminal penalties for a violation shall not preclude the zoning administrator from pursuing injunctive action.
- C. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).

Mr. Moody made a motion to approve the proposed Amendments to the Zoning Ordinance-Section 19.6-34 Violations of the Zoning Ordinance; notice of violation as amended. Mr. Abbitt made a motion to approve the ordinance with the correction of moving item “C” under criminal.

Mr. Moody amended his motion to approve the proposed ordinance as amended, seconded Mr. Abbitt. Chairman Carter called for vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Railroad Festival Committee - Dr. Paul Harvey

Chairman Carter stated that Dr. Paul Harvey has requested to appear before the Board to provide an update on the Railroad Festival committee.

Dr. Harvey came forward and stated that he would like to thank the Board for the \$10,000 donation and stated that without sponsors there would be no Railroad Festival.

Captain Channing Harrison, Pamplin EMS

Chairman Carter stated that the Board requested at the work session that Mr. Hogan invite Captain Harrison to appear before the Board and provide a status update on the Pamplin EMS and their request for FY-2020 funding.

Captain Harrison with Pamplin EMS came forward and stated that they are requesting extra donation funds from the Board to help with paying the rising cost of running calls and to help with possibly having to work a paid service.

Appomattox Department of Social Services - Mr. Brad Burdette, Director

Chairman Carter stated that Mr. Brad Burdette, Director of the Appomattox Department of Social Services has requested to appear before the Board to discuss and request an appropriation of \$67,599.00. During the FY 2019 budget process, the local request for funds was not received from Social Services but was stated by Mr. Burdette at the Budget Work Session that Social Services was not requesting an increase and only asking for level funding. County Staff prepared Social Services budget based on the amount shown on the State report for local funding, which was \$67,599 less than was budgeted in FY 2018. Social Services staff realized this last month and submitted a request to the County for these additional funds that were budgeted in FY2018 and not recognized in the FY 2019 budget.

Please supplement by consent and appropriate the following:

5301-1001	Fund 15	\$67,599.00
RE: Social Services Local Funding Request		

Staff Recommendation: Consider appropriation of local funds in the amount of \$67,599 to equalize level funding from FY 2018 to FY 2019.

Mr. Burdette came forward and explained the request for the Supplemental Appropriation in the amount of \$67,599 was due to his office failing to provide the correct documents during budget period and then he explained necessity of these funds for his department.

After discussion, Mr. Moody made a motion to approve the appropriation of local funds in the amount of \$67,599 to equalize level funding from FY 2018 to FY 2019 per Mr. Burdette's request. Mr. Millner seconded Mr. Moody'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.

Federal Lands Access Program (FLAP) Grant

Chairman Carter stated that Robin Snyder, NPS and Don Austin, VDOT appeared before the Board in March to request the County's re-consideration to provide a \$72,000 local funding match in order to proceed with the FLAP trail connector project between the American Civil War Museum and the National Park Service. Mr. Austin suggested that a funding commitment prior to May 1 would be helpful so that he could request a grant extension. If the Board commits to provide the \$72,000 local match funds in the FY 2020 budget, staff recommends designating the funds from the current FY 2019 budget and carrying forward to the FY 2020 budget to be disbursed after the FLAP Grant Memorandum of Agreement is received.

STAFF RECOMMENDATION: Consideration to approve the requested \$72,000 local match funds to the FLAP grant project. These funds can be designated to the FLAP

Project out of the current FY 2019 budget, carried forward to the FY 2020 and disbursed to VDOT, Project Fiscal Agent after the signed MOA is received by the County.

After discussion, Mr. Abbitt made a motion to approve the requested \$72,000 local match funds to the FLAP grant project, with funds to be designated to the FLAP Project out of the current FY 2019 budget, carried forward to the FY 2020 and disbursed to VDOT, Project Fiscal Agent after the signed MOA is received by the County. Mr. Hogan 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.

Fence In Ordinance - Mr. Tom Lacheney, County Attorney

Chairman Carter stated that Mr. Tom Lacheney, County Attorney is prepared to discuss changes to the Fence-in Ordinance with the Board.

STAFF RECOMMENDATION: Consider scheduling a Public Hearing on Monday, May 20, 2019 at 7:00 pm to receive public comments on the "proposed" Fence In ordinance.

After discussion, Mr. Abbitt made a motion to schedule a public hearing on May 20, 2019 at 7pm on the "proposed" Fence-in Ordinance. 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.

Special Meeting - Budget Approval

Chairman Carter stated that a public hearing is scheduled for Thursday, April 25 at 6:30 pm to receive public comments on the "proposed" FY 2020 budget, as advertised.

STAFF RECOMMENDATION: Schedule a special meeting after May 2 to vote on the "proposed" FY 2020 Budget.

After discussion, Mr. Moody made a motion to schedule and advertise a Board of Supervisors meeting for Monday, May 13, 2019 at 6:30 pm. to adopt the "proposed" FY-20 Annual Operating Budget. Mr. Millner seconded Mr. Moody's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Joint Meeting w School Board

Chairman Carter stated that a joint meeting with the School Board was tentatively scheduled for Monday, April 29. Due to conflicting schedules, Dr. Bennett and the County Administrator are coordinating another time for the Board of Supervisors and School Board to meet and discuss the Textbook Fund and CIP policies and how the school should proceed with its end of the year requests.

STAFF RECOMMENDATION: Suggested dates for the Joint Meeting with the School Board in May or June so that staff can coordinate with Dr. Bennett.

It was the consensus of the Board to have the County Administrator discuss with Dr. Bennett and School Board to see if they could meet Monday, May 13, 2019 following the adoption of the “proposed” FY-20 budget.

COMMITTEE APPOINTMENTS

Courtland Park Foundation Board Appointment

Chairman Carter stated that Mr. Timmy Garrett's term on the Courtland Foundation Board of Directors has expired and he does not wish to serve for another term. Attached for the Board’s review is a letter from Mr. Gary Shanaberger, Town Manager, recommending Mary Lou Spiggle as the Town Representative to serve on the Courtland Park Foundation Board of Directors.

Staff Recommendation: Consider the appointment of Ms. Mary Lou Spiggle as the Town Representative to serve on the Courtland Park Foundation Board of Directors.

Mr. Millner made a motion to appoint Ms. Mary Lou Spiggle as the Town Representative to serve on the Courtland Park Foundation Board of Directors. Mr. Hogan 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.

Central Virginia Alliance for Community Living Committee Appointment

Chairman Carter stated that the Board has received a letter from Ms. June Chenault announcing her resignation from the Central Virginia Alliance for Community Living as a representative for Appomattox County, effective immediately.

Staff Recommendation: Please consider the appointment of a representative to fill this vacancy.

It was a consensus of the Board to table this item until the next meeting.

CONSENT AGENDA

Invoices Submitted For Payment

Please review the attached invoices and approve for payment:

April 5, 2019	\$57,016.67
April 12, 2019 - CSA	\$164,583.11
April 15, 2019	\$405,582.72
TOTAL:	\$627,182.50

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

Minutes

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

Thursday, March 14, 2019 - Joint Meeting with School Board

Thursday, March 14, 2019- Budget Work Session

Monday, March 18, 2019- Scheduled Meeting

Thursday, March 28, 2019- Budget Work Session

Department of Social Services

Please supplement by consent and appropriate the following:

5301-2002	VRS	\$9,823.71
5301-2006	Group Life	\$735.65
5301-2002	ICMA-RC	\$651.09
	TOTAL:	\$11,210.45

RE: Reimbursement for March, 2019 payroll deductions.

Staff Recommendation: No new local funds are required.

J. Robert Jamerson Memorial Library

Please supplement by consent and appropriate the following:

7301-5411	Books	\$235.23
7301-5401	Office Supplies	\$773.75
7301-5415	Summer Reading	\$100.00
	TOTAL:	\$1,068.98

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3102-1002	Overtime	\$1,175.88
3102-7001	Equipment	\$900.00
3102-1007	Traffic Safety Overtime	\$14,000.00
	TOTAL:	\$16,075.88

RE: Reimbursement from the School Board for deputy to perform security at the High School (\$1,175.88); Donation from Spout Spring Ruritan Club to purchase (3) AED units for Sheriff's Department (\$900.00); October 2018 through March 2018 fines & forfeitures General District Court collections (\$14,000.00)

Staff Recommendation: No new local funds are required.

Sheriff's Department

Please supplement by consent and appropriate the following:

3106-5401 DARE **\$1,130.00**
RE: Donations for Sheriff's Night Out

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 **\$1,500.00**
RE: Reimbursement from Lynchburg Humane Society for animal shelter penalty.

Staff Recommendation: No new local funds are required.

General Properties

Please supplement by consent and appropriate the following:

4302-3004 Repairs/Maintenance **\$1,200.00**
RE: Reimbursement from Progressive Insurance Company for damages to Animal Shelter by an automobile.

Staff Recommendation: No new local funds are required.

Commissioner of Revenue Refund Requests

Mrs. Sara Henderson, Commissioner of the Revenue is requesting the following to be reimbursed in the amount of **\$2,044.46** from line item **1209-5803**.

- 1) Refund Daniel Parker **\$129.88** for 2018 personal property taxes paid. Vehicle is assessed in Bedford County.
- 2) Refund Kenneth Jenkins **\$39.18** for 2018 personal property taxes paid. Vehicle was sold in 2017 per paperwork provided.
- 3) Refund Evan M. Davis **\$1,040.06** for 2017 & 2018 real estate taxes paid. He qualifies for disable veteran tax exemption.
- 4) Refund Hometown Pharmacy LLC **\$173.16** for 2017 & 2018 personal property taxes paid. Equipment was reported incorrectly (cost).
- 5) Refund Gregory Davis **\$65.54** for 2018 personal property taxes paid. Vehicle was sold in 2017 per paperwork provided.

6) Refund Preston D. Agalzoff \$596.64 for 2018 personal property taxes paid. Vehicle is assessed in Halifax County.

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

Clerk of the Circuit Court

Please supplement by consent and appropriate the following:

2106-3010 Data Processing **\$7,500.00**

RE: Funds to be reimbursed to the County from the State Technology Trust Funds for Supreme Court of Virginia online hosting, maintenance and technical services beginning 7-1-19 thru 6-30-20 (\$7,000.00); and Supreme Court of Virginia case imaging system beginning 1-1-20 thru 6-30-20 (\$500.00).

Staff Recommendation: No new local funds are required.

Circuit Court - Law Library

Please transfer by consent \$864.31 from the Law Library Fund to the General Fund and supplement the following:

2101-5804 Law Library **\$864.31**

RE: Purchase of law library books by the Circuit Court Clerk for the Law Library.

Staff Recommendation: Transfer requested funds from the Law Library and supplement \$864.31 to 2101-5804.

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

ATTORNEY'S REPORT

Interim Commonwealth's Attorney

Chairman Carter stated that Appomattox County's current Commonwealth's Attorney, Darrel Puckett, would take the bench as one of the newly appointed General District Court Judges in the 10th Judicial District. Mr. Puckett has relinquished his official responsibilities of the Commonwealth's Attorney to his Deputy, Leslie M. Fleet. Effective June 1, Mr. Fleet will need to be appointed as the Interim Commonwealth's Attorney to fill the unexpired term of office, ending December 31, 2019. The Board of Supervisors needs to authorize the County Attorney to file a petition to the Circuit Court to enter an order holding that no special election be held to fill the remaining term of the Commonwealth's Attorney upon his resignation, May 31, 2019.

STAFF RECOMMENDATION: Authorize the County Attorney to file a petition to the Circuit Court requesting to enter an order holding that no special election be held to fill the unexpired term of the Commonwealth's Attorney.

After discussion, Mr. Abbitt made a motion to authorize the County Attorney to file a petition to the Circuit Court requesting to enter an order holding that no special election be held to fill the unexpired term of the Commonwealth's Attorney. Mr. Millner seconded Mr. Abbitt's motion. Chairman Carter called for a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Carver Price Lease

Mr. Lacheney stated that he is currently working on an updated lease with Carver Price to address issues with a grant received. He stated that a public hearing would be needed to renew the lease with Carver Price.

Mr. Abbitt made a motion to schedule and advertise a public hearing on the Carver Price lease on May 20, 2019 at 7pm. 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.

ADMINISTRATOR'S REPORT

Ms. Adams provided the Board with a written report by email prior to the scheduled meeting. She called for any questions or concerns regarding her report.

Ms. Adams reported that she would email the Board if the joint meeting with the School Board is confirmed for May 13, 2019.

Ms. Adams asked the Board to consider holding a work session at 6 pm prior to the Public Hearing on April 25, 2019 at 6:30 pm on the Proposed FY-20 Annual County Operating Budget.

After discussion, it was the consensus of the Board to hold a work session at 6:00 p.m. prior to the scheduled public hearing at 6:30 p.m.

REPORTS AND INFORMATIONAL ITEMS

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

Chairman Carter stated that provided for the Boards review is a copy of the February 28, 2019 monthly Board of Directors meeting minutes from the Robert E. Lee Soil & Water Conservation District.

Letter from Alice Gillette, Treasurer

Chairman Carter stated that provided for the Boards review is a letter from the Treasurer, Alice Gillette, informing the County of her intent to not seek re-election in November.

Animal Control - Compliment Letters

Chairman Carter stated that provided for the Boards review are two emails complimenting the County's Animal Control Officer, Kayla Marshall, for her expertise and professionalism.

Delinquent Tax Status Report - Sands Anderson

Chairman Carter stated that provided for the Boards review is the status report on delinquent tax parcels as of March 31, 2019 from Sands Anderson.

SUPERVISOR CONCERNS

Mr. Moody praised Ms. Dixon and staff on the drastic improvements of the soccer fields and goals.

CLOSED SESSION

Mr. Lacheney, County Attorney read the following:

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

Discussion of the salary of specific public officers (constitutional officer)

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel with respect to possible financial concerns, and state regulatory violation.

WHEREAS, pursuant to §2.2-3711 (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. Hogan made a motion to enter into closed meeting at 8:02 p.m. 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.

At 8:25 p.m. The Appomattox County Board of Supervisors returned to regular session. 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 matting 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 a Roll Call Vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

Chairman Carter reminded the Board of the upcoming meetings:

UPCOMING MEETINGS

Thursday, April 25, 2019 @ 6:30 PM

Public Hearing on FY-20 Proposed Budget

Board of Supervisors Meeting room
171 Price Lane, Appomattox, Virginia

Monday, May 20, 2019 @ 6:30 PM
Scheduled Meeting
Board of Supervisors Meeting Room
171 Price Lane, Appomattox, Virginia

ADJOURNMENT

Mr. Abbitt made a motion to adjourn the meeting at 8:25 p.m. Mr. Moody seconded Mr. Abbitt's motion. Chairman Carter called for a vote: Chairman Carter, aye; Mr. Abbitt, aye; Mr. Hogan, aye; Mr. Millner, aye; Mr. Moody, aye.

The regular scheduled meeting adjourned at 8:25 p.m.

Samuel E. Carter, Chairman