

1 | **Appomattox Town Council**  
**Regular Council Meeting**  
**March 8, 2021**

The Appomattox Town Council held a Regular Council meeting on Monday, March 8, 2021 at 7:00 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

Council members present – Aaron Tilton, Nathan A. Simpson, Mary Lou Spiggle, Timothy W. Garrett, Claudia G. Puckette (phone) and James J. Boyce.

Others present – Carlton Duck, Alive Media TV; Michelle Murch, Times Virginian Newspaper; Robin Snyder, Superintendent, National Park Service; Alan and Laura Briceland, Talia Clusman, Jeff Elder, Facilities Director; Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne W. Casto, Clerk of Council.

The meeting was also broadcast Live on the Town of Appomattox Facebook page and public phone participation through FreeConferenceCall.com was available.

Mayor Conner called the meeting to order.

Public Hearing

Mayor Conner opened the public hearing and stated the following purpose for the public hearing: To receive public comments concerning the following:

1. **Amendment to the FY 2021 Budget for the Town of Appomattox** - In accordance with §15.2-2506 Code of Virginia, the following is a brief synopsis of the budget amendment by the Town of Appomattox for FY 2021:

Water Fund Expenditures Amendments	1,450.29
Sewer Fund Expenditures Amendments	7,055,433.57
<b>Total Expenditures Amendments</b>	<b>7,056,883.86</b>

Water Fund Revenue Amendments	1,450.29
Sewer Fund Revenue Amendments	7,055,433.57
<b>Total Revenue Amendments</b>	<b>7,056,883.86</b>

Documentation is available at the Town Office on Linden Street from 8:30 a.m. until 4:30 p.m., Monday through Friday. If there are any questions, please contact Gary Shanaberger, Town Manager at 434-352-8268.

Staff Comments: Mrs. Ray, Town Treasurer explained the purpose of the budget amendments.

There were no public comments.

Mayor Conner closed the public hearing.

Rev. Carlton Duck, Pastor of the Gethsemane Baptist Church led the prayer and the Pledge of Allegiance to the Flag of the United States of America.

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Mayor's Comments:

None

Scheduled Public Appearances:

Robin Snyder, Superintendent, National Park Service appeared before Council to provide an update on the recent concerns of the wastewater problems at the National Park Service. The National Park Service has provided full funding to repair the sewer line. The construction is expected to be complete in November 2021. Robin Snyder thanked Jeff Elder, Facilities Director; Gary Shanaberger, Town Manager and the Town Council for their patience with the National Park Service.

Adoption of the Consent Agenda:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to approve the consent agenda for March 8, 2021 as presented. All members voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

On a motion by Ms. Spiggle, seconded by Mr. Garrett, Council voted to adopt An Appropriations Resolution of the Appomattox Town Council Adopting an Amendment to the Fiscal Year 2020-2021 Budget for the Town of Appomattox, Virginia:

**AN APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL  
ADOPTING AN AMENDMENT TO THE FISCAL YEAR 2020-2021 BUDGET FOR THE  
TOWN OF APPOMATTOX, VA.**

**SECTION I:**

WHEREAS, that the Appomattox Town Council may amend the Fiscal Year 2020-2021 Town Budget from time to time pursuant to Section 15.2-2507, Code of Virginia; and,

**SECTION II:**

WHEREAS, the proposed amendment for the Fiscal Year 2020-2021 Budget was published on February 24, 2021 in the *Times-Virginian*, Appomattox, Virginia, pursuant to Section 15.2-2507, Code of Virginia, and public hearing was subsequently held on the proposed budget on Monday, March 8, 2021;

**SECTION III:**

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox Town Council meeting in a Regular Council Meeting on March 8, 2021, that the Appomattox Town Council does hereby approve the following Amendment to the Water Fund Expenditures for Fiscal Year 2020-2021;

**WATER FUND; EXPENDITURES BY CATEGORY:**

Water Department – DHCD Utility Grant - Water	1,450.29
<b>TOTAL WATER EXPENDITURES</b>	<b>1,450.29</b>

**SECTION IV:**

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Water Fund Revenue estimates for Fiscal Year 2020-2021;

**WATER FUND; REVENUES BY CATEGORY:**

DHCD Utility Grant – Water	1,450.29
<b>TOTAL WATER REVENUES</b>	<b>1,450.29</b>

**SECTION V:**

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Sewer Fund Expenditures for Fiscal Year 2020-2021;

**SEWER FUND; EXPENDITURES BY CATEGORY:**

Sewer Department	7,055,433.57
<b>TOTAL SEWER EXPENDITURES</b>	<b>7,055,433.57</b>

**SECTION VI:**

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Sewer Fund Revenue estimates for the Fiscal Year 2020-2021;

**SEWER FUND; REVENUES BY CATEGORY:**

USDA Proceeds	7,052,813.67
DHCD Utility Grant – Sewer	2,619.90
<b>TOTAL SEWER REVENUES</b>	<b>7,055,433.57</b>

**SECTION VII:**

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Amendments to the Fiscal Year Budget for 2020-2021 is hereby adopted, effective March 8, 2021 and the monies necessary to fund it are hereby appropriated and shall be certified by the Clerk of Council and maintained as an archive document with the official minutes of the Town Council of Appomattox, Virginia.

Adopted this \_\_\_\_ day of March, 2021.

Attest:

\_\_\_\_\_  
Roxanne W. Casto, Town Clerk

\_\_\_\_\_  
Richard C. Conner, Mayor

All members voting aye. Motion carried 6-0.

On a motion by Mr. Simpson, seconded by Mr. Garrett, Council voted to accept the Request for Proposal from Davenport & Company for the General Fund Financial Review and Capital Funding Strategies. All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

The Finance & Planning and Physical Development Committees met today to begin working on the FY 2022 Budget for the Town of Appomattox.

Citizens Comment Period:

Talia Clusman, the Babcock House spoke in favor of Iceland's, an industry peer being allowed to have the requested six (6) picnic tables. Stating she believes a business owner should be able to determine what is safe and appropriate for their guests. I believe their success and growth can not only benefit the Town through revenue but offering a much-needed variety to our business landscape, not to mention their own personal success. I hope to see them grow this season and, in the years to come, and I hope you will wisely consider their request.

Alan Briceland – My wife, Laura and I own Iceland's. As you know last year was our first season and I think it went really good. We rented space from the Wilbun's last year. In October 2020, we purchased a lot from Dr. Smith on Old Courthouse Road. It is approximately 2.5 acres. In the Town you are only allowed 2 picnic tables per food truck/trailer. We have requested a total of 6. Our parking lot is approximately 150' x 150' which gives more than ample space for tables, in the grass. I know this was brought up as a safety issue. Last year at the Wilbun's parking lot we had kids in the parking lot with traffic, so in our opinion it is safer for them to be behind the picnic tables out of traffic. If children are sitting down, it is much easier to control them than if they are running around. Our plan is to build, but we are the epitome of small business. It is just my wife and I, but it is going to take some time. There are advantages to brick-and-mortar businesses and there are advantages to our type of business. We have had a lot of people, like the Babcock House reach out to us, other food trucks, 11-12,000 Facebook views to their post and overwhelming support. The other concern I recall is what are other food trucks in neighboring communities doing? We have become friends and acquaintances with a lot of them. To our knowledge there is only one other food truck that owns their own lot and they have a ton of tables. I do not believe Lynchburg or Bedford have a table allowance for people. To my knowledge Appomattox is the only locality like this. Is there a date when a decision is going to be made because we are planning to open on Friday, March 12, 2021?

Mr. Shanaberger responded to Council that he has had no chance to look into this.

Mr. Tilton – What is the process to make this happen?

Mr. Shanaberger – I can do research on this, but I will have to put what I think is more important off to the side. I don't want to hold anyone up - so 2 weeks to a month to do respectable research.

Mr. Briceland – Not to step on any toes here but we approached you (Gary) in October when we purchased the property. Knowing this was going to take some time and here we are – ready to open – and this still isn't resolved. I know government moves slower and commercial stuff is new to us.

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Mr. Tilton – Is this a code requirement change – is a public hearing necessary? Can we take action today if we wanted to? What is the process?

Mr. Shanaberger – You would want this in writing so it would have to be presented, the language and you would definitely want the attorney to review it. There is process to it.

Mrs. Briceland – Can we just get an exception? We have only been asking for six (6) months. We are investing in the Town and we are asking for support for 6 picnic tables. More jobs, more food taxes, more revenue and honestly, we are just looking for that support back. Honestly, we are the only ones who own our property nearly 2.25 acres. We've looked at the safety. We are completely insured. Iceland's is insured.

Mr. Tilton – They made the point that we are the only locality in the area that has a limit – would it be viable to remove the restriction to allow them to move forward and then we (Council) can revisit after we have had some time to put together some language? Just strike that line from the code?

Mr. Simpson – I think anything is possible but I think it is important to do your homework.

Mr. Simpson – Thank you for coming to our meeting. Like I said at our last meeting, we need input from our businesses because it is a fork in the road. If we move one direction or the other, it is difficult to come back from that. I think we just need some time to evaluate what direction the community wants to go forward with and to hear from more people and we don't want to inhibit entrepreneurship. I personally love your story. I want to see you succeed. But I don't think it would be appropriate for us to act on anything tonight. I think we need to give Gary an opportunity to explore what other localities are doing, just learn more about the situation. I am attempting to do research and I encourage everyone to do the same and then meet back on this topic to create a conclusion.

Mrs. Briceland – I feel like we have reached a majority of the people in the Appomattox Community through social media and received nothing but positive comments.

Talia Clusman – My question would be – if they came to the Town back in October, why has it taken so long? You say it takes time, but you've had a lot of time.

Mayor Conner – Did you address us in October about your request?

Mr. Briceland – In October when we purchased the property we walked over here (Town Office) and met with Mr. Shanaberger and asked what do we need to do to get an exception, we own our property and have ample room.

Mrs. Briceland – If I recall, while we were meeting with Gary, you (Mayor) came in.

Mr. Simpson – I appreciate all of you being here, what is the procedure for back-and-forth discussion format for this meeting? Is it to hear from businesses and citizens and then

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deliberate? I don't know the appropriateness of back-and-forth dialogue at a meeting. I have been seen it happen before.

Mr. Briceland – Frustration over the length of time.

Mayor Conner – This issue was brought to Council recently. I understand your concern on that, we could possibly make a decision by the second Monday meeting in April. We are sorry for the delay and appreciate your comments for tonight. We will try to get this resolved by the second Monday in April.

Town Manager Updates –

Mr. Shanaberger – The USDA application for the Church Street Waterline Replacement project is still in process. The Town Charter amendment was passed by the Virginia Senate and House of Delegates. It is awaiting a signature by the Governor of Virginia. The Request for Proposals for Design of Branding and Marketing Materials should be ready for advertising in the next 10 days. Lastly, the sewer work on Morton Lane should be complete within the next week or two.

Council Comments –

Mrs. Puckette – none

Mr. Tilton – Thanked Robin Snyder, Jeff Elder and Gary Shanaberger for the progress report on the sewer project at the National Park Service. He also thanked the Briceland's and the Babcock House for requesting to expand the seating/picnic tables for mobile food establishments.

Mr. Simpson – none

Ms. Spiggle – none

Mr. Boyce – read Proverbs 29:18 – Challenges other Council members and himself to find the vision.

Mr. Garrett – agreed with Mr. Boyce on moving forward.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn the meeting. All members present voting aye. Motion carried 6-0.

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Roxanne W. Casto  
Clerk of Council

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Richard C. Conner, Mayor