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Regular Council Meeting
June 14, 2021

The Appomattox Town Council held a Regular Council meeting on Monday, June 14, 2021 at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

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

Others present – Carlton Duck, Alive Media TV; Chad Hodges and Bif Johnson, Hurt & Proffitt, Inc.; Jeff Elder, Facilities Director; Frank Wright, Town Attorney; Sarah Conner, Joetricia Humbles, Shronda Mosley, Jeff Westbrook, Times Virginian; 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 and welcomed the visitors.

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.

Mayor's Comments:

It looks like we are finally coming out of the other side of COVID, and this is a great thing.

Scheduled Public Appearances:

Joetricia Humbles, Appomattox for Equality appeared before Council – Thank you for allowing Appomattox for Equality an opportunity to speak to you regarding the importance (of) Juneteenth not only to African Americans in our community, but it(s) historical significance for Appomattox. Juneteenth has been around for over 150 years but for many people who are hearing about it for the first time it seems brand new. If July 4th, Independence Day, is about the beginning of our freedom, Juneteenth is about fulfilling the promise in the Declaration of Independence that all people are created equal and that all people have rights.

As I heard in a speech given by Dr. Tomika Ferguson, she stated that Roscoe Simmons, who is the nephew of Booker T. Washington, was a columnist for the historical Black newspaper Chicago Tribune wrote in 1924 that slavery began and ended in Virginia, and viewed Appomattox as a place of salvation for African-Americans. This salvation was created by the surrender at Appomattox County (Court) House on April 9th 1865 which is also known as Freedom Day for African Americans, which provided them with emancipation, freedom, and pride. However, not all enslaved people were aware of their freedom like the enslaved people of Appomattox. The enslaved people of Texas did not receive this announcement until June 19th, 1865. So, on Juneteenth we are not just remembering the announcement of Emancipation in Galveston Texas, but the end of slavery as an institution in the United States. On June 19th, freedom for all was finally acknowledged, even if it though it has not been fully fulfilled. The first celebration of Freedom Day in 1866 was organized by the formerly enslaved people of Galveston, which has led to the idea it was only about them. It is a day that all of us are part of

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because it is the day the struggle for freedom was joined by the struggle for equality. While Juneteenth may be a new holiday for some, it is a day for all people. It reminds us of the hard history of where we have been, it reminds us of what we still need to learn, and it challenges us to live up to the promise of what we can and should be. Learning about the history of enslavement and the long struggle for true freedom and equality that followed emancipation is not easy. It is a complicated and discomfoting story. But in the words of Frederick Douglas history has shown us that “Without struggle, there is not progress” and it has also shown us that without discomfort there is no change.

I would like to invite you to join us at our 2nd Juneteenth Celebration to gain more insight in the importance of Juneteenth. If anyone has any questions or concerns regarding Appomattox for Equality, please feel free to reach out to us via Facebook, our website, or any of our board members which are myself, Joetricia Humbles, Laquil Humbles, Shrona Mosley, Tyresha McCoy, Emily Wheeler, Dustin Williams, and Ken Arpino. Once again, we would like to thank you for this opportunity to speak.

Bif Johnson, Hurt & Proffitt, Inc. updated Council on the water and sewer review for 2021. The review covers a 3% annual rate increase for water and sewer through fiscal year 2023, already approved by Town Council. A new waterline loan for \$500,000 added in late FY 2022. The sewer VRA loan will end FY 2022. A new sewer USDA loan will start in FY 2022. The review also looked into the effects on revenue if the out-of-town users were increased by 1.5 times the current rates. Also, what effect would revenue have if there were an increase to water and sewer usage.

Council thanked Hurt & Proffitt, Inc. for the updated information. Hurt & Proffitt, Inc. thanked Town Staff for their assistance.

Adoption of the Consent Agenda:

On a motion by Ms. Spiggle, seconded by Mr. Boyce, Council voted to add New Business Item – Closed Session, pursuant to Section 2.2-3711(A) 5 of the Code of Virginia, for the purpose of discussion, concerning the expansion of an existing business where no previous announcement has been made of the business’ interest in expanding its facilities in the community, specifically being Business A’s possible expansion. All members present voting aye. Motion carried 5-0.

On a motion by Mr. Garrett, seconded by Boyce, Council voted to approve the consent agenda with the addition of the New Business Item – Closed Session. All members present voting aye. Motion carried 5-0.

Unfinished Business:

On a motion by Mr. Simpson, seconded by Mr. Garrett, Council voted to approve the write offs for Clifton’s - \$4,692.05 and Prospect Diner - \$2,044.80 as the statute of limitations has passed for collection. All members present voting aye. Motion carried 5-0.

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New Business:

On a motion by Ms. Spiggle, seconded by Mr. Boyce, Council voted to convene in Closed Session, pursuant to Section 2.2-3711 (A) 5 of the Code of Virginia, 1950, for the purpose of discussion concerning the expansion of an existing business where no previous announcement has been made of the business interest in expanding its facilities in the community, specifically being Business A's possible expansion.

Vote: Boyce – aye, Simpson – aye, Spiggle – aye, Garrett – aye, Puckette – aye, Tilton – absent.
Motion carried 5-0.

The meeting was re-opened to the public.

Council Member Spiggle made the following motion:

Whereas, the Council of the Town of Appomattox has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Whereas, Section 2.2-3712 of the Code of Virginia requires a certification by Town council that such closed meeting was conducted in conformity with Virginia law;

Now, Therefore, Be It Resolved that the Appomattox Town Council hereby certifies that to the best of each members knowledge: (1) only public business matters lawfully exempted from open meetings requirements by Virginia law were discussed in the closed meeting to which this certificate resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by this Council.

The motion was seconded by Council Member Puckette, and Council by the following recorded vote adopted the motion.

Vote: Boyce – aye, Simpson – aye, Spiggle – aye, Garrett – aye, Puckette – aye, Tilton – absent.
Motion carried 5-0.

On a motion by Mr. Simpson, seconded by Mrs. Puckette, Council voted to approve the Capital Improvement Plan for FY 2022. Roll Call Vote – Boyce – aye, Garrett – aye, Puckette – aye, Simpson – aye, Spiggle – aye. Tilton – absent. Motion carried 5-0.

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to adopt an Appropriations Resolution of the Appomattox Town Council Adopting the Fiscal Year 2021-2022 Budget for the Town of Appomattox, Virginia.

AN APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL ADOPTING THE
FISCAL YEAR 2021-2022 BUDGET FOR THE TOWN OF APPOMATTOX, VA.

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SECTION I:

WHEREAS, Section 5-72, Appomattox Town Code and Section 15.2-2503, Code of Virginia, require that the governing body shall approve the budget and fix a tax rate for the budget year no later than the date on which fiscal year begins; and,

SECTION II:

WHEREAS, the proposed Fiscal Year 2021-2022 Budget was published on May 5, 2021 and May 12, 2021 in the *Times-Virginian*, Appomattox, Virginia, pursuant to Section 15.2-2506, Code of Virginia, and public hearing was subsequently held on the proposed budget on Tuesday, May 25, 2021;

SECTION III:

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox Town Council meeting in a Regular Council Meeting on Monday, June 14, 2021, does hereby approve the following General Fund Expenditures by Category for Fiscal Year 2021-2022;

GENERAL FUND; EXPENDITURES BY CATEGORY:

Council	49,800.
Administrative Department	546,094.
Professional	123,000.
Police Department	106,050.
Tourism Department	77,250.
Fire Department	41,000.
Public Works Department	946,326.
Sanitation Department	150,000.
Property Maintenance & Construction	800,283.
Town Shop	33,300.
Donation/Contributions	20,000.
Zoning	51,000.
Town Office	29,100.
TOTAL GENERAL FUND EXPENSES	2,973,203.

SECTION IV:

BE IT FURTHER RESOLVED, that the Appomattox Town Council hereby establishes the property tax rate at \$.11 per \$100.00 of assessed value for real estate, \$.55 per \$100.00 of assessed value for personal property, \$.55 per \$100.00 of assessed value for machinery and tools, and \$.11 per \$100.00 of assessed value for mobile homes; and,

BE IT FURTHER RESOLVED, in accordance with the requirements set forth in Section 58.1-3524(C)(2) 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 Town commencing January 1, 2020, shall receive personal property tax relief in the following manner:

- Personal use vehicles 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 56.25% tax relief;

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- Personal use vehicles valued at \$20,001 or more shall only receive 56.25% 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.

SECTION V:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following General Fund revenue estimates for Fiscal Year 2021-2022;

GENERAL FUND; REVENUES BY CATEGORY:

Current Taxes – Real Estate	160,000.
Current Taxes – Personal Property	68,000.
Delinquent Taxes	2,500.
Penalties & Interest	5,000.
Public Service Corporation	6,500.
Bank Stock Tax	190,000.
Cigarette Tax	130,000.
Meals Tax	1,175,000.
Lodging Tax	60,000.
Franchise Tax	500.
Consumption Tax	6,000.
Vehicle License Tax	23,000.
Business License	180,000.
Communications Tax	4,000.
Zoning	1,000.
Interest	10,000.
Rental of Misc. Property	6,000.
Rolling Stock Tax	3,000.
Sales Tax	80,000.
Aid to Police Department (HB599)	46,000.
Fire Programs	10,000.
Personal Prop Tax Relief Act State Funds	23,107.
Visitor Center	0.
Mobile Home Titling Tax	200.
Miscellaneous	1,000.
Town DMV Fees	2,000.
Meadowlark Program Income	4,380.
Downtown Revitalization Grant	680,000.
Other Reimbursable	500.
Transfer from Reserve	95,516.
TOTAL GENERAL FUND REVENUES	2,973,203.

SECTION VI:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Water Fund Expenditures for Fiscal Year 2021-2022;

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WATER FUND; EXPENDITURES BY CATEGORY:

Water Department	1,279,183.
TOTAL WATER EXPENDITURES	1,279,183.

SECTION VII:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Water Fund Revenue estimates for Fiscal Year 2021-2022;

WATER FUND; REVENUES BY CATEGORY:

Water Sales	360,000.
Connection Fees	7,500.
Penalty Fees	15,000.
Availability Fees	10,000.
Reconnect Fees	0.
Miscellaneous	500.
Interest	4,000.
Rental of Misc. Property	35,000.
Intergovernmental Revenue	30,000.
Use of Fund Balance	167,060.
DHCD Utility Grant Proceeds	123.
Church Street Waterline Grant – DHCD	650,000.
TOTAL WATER REVENUES	1,279,183.

SECTION VIII:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Sewer Fund Expenditures for Fiscal Year 2021-2022;

SEWER FUND; EXPENDITURES BY CATEGORY:

Sewer Department	6,653,937.
TOTAL SEWER EXPENDITURES	6,653,937.

SECTION IX:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Sewer Fund Revenue estimates for the Fiscal Year 2021-2022;

SEWER FUND; REVENUES BY CATEGORY:

Sewer Sales	860,000.
Connection Fees	2,500.
Availability Fees	7,500.
County Reimbursement SBR & IDA PS	38,286.
Park Service Maintenance	20,000.
Interest	3,500.
Intergovernmental Revenue	1,700.
Use of Beginning Balance	140,101.
USDA Grant Proceeds 1	1,879,000.
USDA Grant Proceeds 2	3,501,000.
Loan Proceeds	200,001.

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DHCD Utility Grant Proceeds	349.
TOTAL SEWER REVENUES	6,653,937.

SECTION X:

The salaries, wages and allowances set out in said Budget are hereby authorized as per the terms of the town's classification and merit system as approved compensation for officers and employees for services rendered, unless hereafter otherwise provided by ordinance; provided however, that the Town Manager is authorized to make such rearrangement of positions in the several departments named in the Budget, in respect to officers and employees appointed by his/her as may best meet the needs and interests of the Town and after approval by Council.

SECTION XI:

BE IT FURTHER RESOLVED, that the Appomattox Town Council may amend the Fiscal Year 2021-2022 Town Budget from time to time pursuant to Section 15.2-2507, Code of Virginia; and,

SECTION XII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year Budget for 2021-2022 is hereby adopted, effective July 1, 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 14th day of June, 2021.

Attest:

Roxanne W. Casto, Town Clerk

Richard C. Conner, Mayor

Roll Call Vote: Boyce – aye, Garrett – aye, Puckette – aye, Simpson – aye, Spiggle – aye. Tilton – absent. Motion carried 5-0.

On a motion by Mr. Boyce, seconded by Ms. Spiggle, Council voted to adopt the following:

An Ordinance to Amend Chapter 117 of the Code of the Town of Appomattox, Chapter 117, to add Article V and to add the following provision which shall become Section 117-28 through 117-30 thereof, entitled "Regulation of Residential Chicken Keeping".

An Ordinance to Amend Chapter 195 of the Code of the Town of Appomattox, Chapter 195, Article I, entitled "General Provisions", to incorporate the following definitions into the existing definitions of this section.

An Ordinance to Amend Chapter 195 of the Code of the Town of Appomattox, thereof, entitled Zoning, to add a new article providing for Article XVII, entitled "General Provisions", Section 195-163, entitled "Residential Chicken Keeping".

Roll Call Vote: Boyce – aye, Garrett – aye, Puckette – no, Simpson – aye, Spiggle – aye. Tilton – absent. Motion carried 4-1.

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On a motion by Mr. Boyce, seconded by Mr. Simpson, Council voted to approve the request to fund ½ of the cost of SCBA equipment for the Appomattox Volunteer Fire Department in the amount of \$31,050, provided the Town receives American Rescue Plan Act funding. Roll call vote: Boyce – aye, Spiggle – aye, Simpson – aye, Garrett – abstained, Puckette – no. Motion carried 3-1-1.

Ms. Spiggle requested resending the letter to Appomattox County requesting a meeting to discuss the items identified in the letter dated March 16, 2021, including having the Town and County Attorney’s present.

Council Standing Committee Reports:

The Physical Development Committee met today, June 14, 2021, to gather information on the train depot repairs.

Citizens Comment Period:

None

Town Manager Updates –

Mr. Shanaberger provided an update on the following activities:

- Expanded on the American Rescue Plan Act. He suggested a 2-person council committee, specifically the Chairperson of each standing committee, Mr. T. Garrett and Mrs. C. Puckette.
- Appomattox County reimbursed the Town approximately \$2,500 for COVID cleaning supplies from CARES Act funding.
- Appomattox County assisted the Town through a MOU for grant funding through DHCD for utility relief to customers affected by COVID.
- Appomattox County denied the Town’s request for CARES Act funding for the funds reimbursed to businesses. The County perceived the stimulus to businesses as reimbursements.
- The Church Street Waterline Replacement project may be able to close in the next 90 days. Hurt and Proffitt, Inc. is working with the Town and USDA on this project.
- Reminder of the July 3rd fireworks event.

Council Comments –

Mr. Boyce inquired about the flow of traffic on Church Street. Mr. Shanaberger advised VDOT is working on an alternate truck route and reviewing crosswalks in Town. Mr. Boyce also commented on the speeding on Church Street.

Mayor Conner thanked Public Works for their assistance during the heavy rains the week before.

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Adjournment:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to adjourn the meeting at 9:35 p.m. All members present voting aye. Motion carried 5-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor