

1 | **Appomattox Town Council**  
**Regular Council Meeting**  
**April 12, 2021**

The Appomattox Town Council held a Regular Council meeting on Monday, April 12, 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 and James J. Boyce.

Others present – Carlton Duck, Alive Media TV; Robin Snyder, Superintendent, National Park Service; Alan and Laura Briceland, Charles and Talia Clusman, George Huffman, Matt Sampier, Crissy Sampier, Louis Scicli, Donnie Simpson, Jonathan Garrett, Sarah Conner, JT Conner, Sharon Conner, 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 and welcomed the visitors.

Public Hearing

Mayor Conner opened the public hearing by reading the purpose:

The purpose of this hearing is to give notice of the Town of Appomattox’s intent to apply for USDA Rural Development funds to assist in the replacement of approximately 6,225 linear feet of 4” water line and 8” water line along Church Street, Confederate Boulevard, Red House Road, and Morris Avenue. Additionally, the Appomattox Town Council will consider a Resolution of Governing Body support for the above-mentioned project. Comments regarding economic and environmental impacts, service area, alternatives to the project issues are encouraged.

All interested citizens of the Town of Appomattox are encouraged to attend should they have comments they would like to present to the Town Council regarding their intent to apply for USDA funding assistance. For additional information please contact Gary L. Shanaberger at 434-352-8268 or gshanaberger@appomattoxva.gov.

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.

Mayor’s Comments:

Mayor Conner took a moment to remember his father Thomas Conner as his birthday would have been April 15<sup>th</sup>. Mr. Conner served on the Appomattox Town Council as did the Mayor’s brother, Steve Conner.

Mayor Conner also read the following Arbor Day Proclamation:

**TOWN OF APPOMATTOX  
ARBOR DAY PROCLAMATION**

**WHEREAS,** in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

**WHEREAS,** this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

**WHEREAS,** Arbor Day is now observed throughout the nation and the world, and

**WHEREAS,** trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperate, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

**WHEREAS,** trees are a renewable resource giving us paper, wood for our homes, fuel for our fire and countless other wood products, and

**WHEREAS,** trees increase property values, enhance the economic vitality of business areas, and beautify communities, and

**WHEREAS,** trees, wherever they are planted, are a source of joy and spiritual renewal.

**NOW, THEREFORE,** I, Richard C. Conner, Mayor of the Town of Appomattox, do hereby recognize the 30<sup>th</sup> day of April 2021 (the last Friday in April) as our Annual Arbor Day celebration and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

**FURTHER,** I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_

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Scheduled Public Appearances:

Louis Scicli, candidate for the House of Delegates, 59<sup>th</sup> District, appeared before Council to introduce himself and his candidacy.

Honorable Donald Simpson, Sheriff, Appomattox County appeared before Council to provide a quarterly update of the activities of the Sheriff's Office.

Jonathan Garrett appeared before Council to provide an update on the 4<sup>th</sup> of July fireworks (July 3<sup>rd</sup>) activities. Along with the support of Liberty Baptist Church, a touch-a-truck event with mobile food vendors in being planned on the park property owned by Liberty Baptist Church on Lee Grant Avenue near the Town's Kiddie Park. Mr. Garrett requested consideration of the Town to waive the Mobile Food Truck fee for the non-profit event.

Crissy Sampier, owner of Blended Soul appeared before Council to request revisiting the Town Code section in general for Food Truck establishments.

Adoption of the Consent Agenda:

On a motion by Mr. Simpson, seconded by Ms. Spiggle, Council voted to approve the consent agenda for April 12, 2021 as presented. All members voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

Mr. Dave Douglas, Viewpoint Project called into the meeting to provide a brief presentation to the Council regarding the potential filming of a segment on Appomattox for public TV at a cost of approximately \$27,900. After a brief exchange of dialogue, the Council directed Mr. Douglas to contact Experience Appomattox for possible involvement in the project.

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On a motion by Mrs. Puckette, seconded by Ms. Spiggle, Council voted to approve a Loan Resolution – RUS Bulletin 1780-27 Church Street Waterline Replacement project:

RUS BULLETIN 1780-27

APPROVED  
OMB No. 0572-0121

LOAN RESOLUTION  
(Public Bodies)

A RESOLUTION OF THE Town Council

OF THE Appomattox, Town of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water System

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Appomattox, Town of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

One million six hundred fifty thousand dollars

pursuant to the provisions of Code of Virginia; and

WHEREAS, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.



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On a motion by Mrs. Puckette, seconded by Mr. Tilton, Council voted to adopt a Resolution of Governing Body of the Town of Appomattox authorizing the Town Manager to execute agreements for the United States Department of Agriculture (USDA) for the Church Street Waterline Replacement project:

**RESOLUTION OF GOVERNING BODY OF**

The Town of Appomattox

The governing body of The Town of Appomattox consisting of \_\_\_\_\_ members, in a duly called meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at which a quorum was present **RESOLVED** as follows:

**BE IT HEREBY RESOLVED** that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government), the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

**BE IT FURTHER RESOLVED** that the Town Manager be authorized to execute on behalf of the Board Members the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

The Town of Appomattox.

Attest:

\_\_\_\_\_ By \_\_\_\_\_

**CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the Board Members of The Town of Appomattox in a duly assembled meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Secretary/Clerk

All members present voting aye. Motion carried 6-0.

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On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adopt an Ordinance to Amend and Reenact the Code of the Town of Appomattox, Chapter 126, thereof, entitled Licensing, by amending §126-16 F (3) Operation requirements:

AN ORDINANCE TO AMEND AND REENACT the Code of the Town of Appomattox, Chapter 126, thereof, entitled Licensing, by amending §126-16 F (3) Operation requirements.

Be it ordained by the Council of the Town of Appomattox as follows:

Section 1. Chapter 126-16 F (3) - Operation requirement, of the Code of the Town of Appomattox is hereby amended to read as follows:

§126-16 – Licensing

F. Operation requirements.

- (3) Two picnic tables with umbrellas with seating capacity of six people per table may be set up for patrons' use. No tents or additional chairs are permitted. *With approval of the Administrator, Mobile Food Units that are owned and operated on private property, when such real property is owned by the mobile food unit operator, may have additional tables, not to exceed 6.*

Section 2. Effective Date.

ENACTED AND ORDAINED THE \_\_\_\_ day of \_\_\_\_\_, 2021. This ordinance shall become effective \_\_\_\_\_.

All members present voting aye. Motion carried 6-0.

On a motion by Mr. Garrett, seconded by Mrs. Puckette, Council voted to re-enact an Ordinance to Establish Emergency Procedures ending October 13, 2021:

AN ORDINANCE TO *RE-ENACT* THE ESTABLISHMENT OF EMERGENCY PROCEDURES FOR THE CONTINUITY AND OPERATION OF THE GOVERNMENT OF THE TOWN OF APPOMATTOX FOR THE DURATION OF THE COVID-19 PANDEMIC

WHEREAS, on March 12, 2020, the Governor of the Commonwealth of Virginia, in Executive Order Number Fifty-One declared a state of emergency and disaster within the Commonwealth of Virginia pursuant to Code of Virginia Section 44-146.16 of the Code of Virginia; and,

WHEREAS, on March 19, 2020, the Mayor of the Town of Appomattox declared a local emergency; and,

WHEREAS, on April 13, 2020; September 14, 2020 and *April 12, 2021*, the Appomattox Town Council met electronically, pursuant to Section 2.2-3708.2 of the Code of Virginia, and adopted a resolution ratifying the emergency declaration, and therein made a finding that due to the severe existing and likely impact of the COVID-19 pandemic on the Town of Appomattox, there now exists a disaster in the Town of Appomattox; and,

WHEREAS, the impacts to public health, the Town's economy, and the operation of the Town government are likely to be protracted, lasting potentially several months; and,

WHEREAS, there are actions which must be taken by the Town of Appomattox in the next several months which will, by law, require the action of the Town Council, and currently it is unsafe for physical meetings to occur in order to conduct normal, required business operations; and,

WHEREAS, Section 15.2-1413 of the Code of Virginia (1950) as amended, provides that "*notwithstanding any contrary provision of law, general or special, any locality, may, by ordinance, provide a method to assure continuity in its government, in the event of an enemy attack or other disaster. Such ordinance shall be limited in its effect to a period not exceeding six months after any such enemy attack or disaster and shall provide for a method for the resumption of normal governmental authority by the end of the six-month period (emphasis added)*"; and,

WHEREAS, Section 2.2-3708.2 of the Code of Virginia provides for electronic meetings in the event of an emergency but does not currently extend the authority for electronic meetings to issues not involving the emergency. Given the likely duration of this disaster, meetings of the Town Council and other Authorities, Boards, and Commissions must be held in the interim for the continuity and continuing operation of the functions of the Town's government, including but not limited to the adoption of the Town's budget; and,

WHEREAS, give the severe limitations on the gathering of people during the COVID-19 pandemic, which gathering is necessary and required for many essential tasks of the Town government, as well as to fulfill the necessary obligations of the Town to its residents and businesses, the Town Council finds it necessary to provide, by ordinance, a method of transacting necessary public business during the disaster without the physical attendance or gathering of people during the duration of the COVID-19 disaster.

THEREFORE, it is hereby ORDAINED pursuant to Section 15.2-1413 of the Code of Virginia; the following emergency measures are ADOPTED by the Appomattox Town Council:

1. The Appomattox Town Council shall meet electronically until such time as it is safe for the public to physically attend meetings and the Town's public buildings are reopened, as evidenced by a declaration of the Governor of Virginia that the emergency in the Commonwealth of Virginia has ended. A quorum of Town Council must participate in the electronic meeting in order to conduct business. Meetings shall be conducted in an electronic format which allows and enables citizens to both observe and participate in said meetings electronically. Due to the



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closure of public buildings, meeting notices and agendas shall be posted on the Town’s website only. All other meeting requirements of the Virginia Freedom of Information Act shall be met. Instructions regarding how citizens may observe and participate in meetings shall be maintained on the Town’s website; and,

2. Other Town Authorities, Boards, and Commissions may meet electronically as necessary pursuant to the requirements of Section 1 above. A quorum must participate in the electronic meeting to conduct business.

3. Public hearings may be conducted electronically, provided the meeting meets the requirements of Section 1 above. Public hearing notices shall be published in a newspaper with general local circulation as required by the Code of Virginia, and information regarding electronic participation shall be provided in the notice. The Town Manager shall have the sole discretion to proceed with a public hearing pursuant to this Section 3 or a public meeting pursuant to Section 4 or postpone the action until the emergency declaration is lifted.

4. Any other public meeting which is required pursuant to law, including but not limited to the Virginia Public Procurement Act, or any other law of the Commonwealth of Virginia, or the Code of the Town of Appomattox, shall be held electronically, and meeting participants shall be provided direction for how to participate in the meeting prior to the start of the meeting. The provisions of this ordinance shall expire upon declaration by the Governor of Virginia that the emergency in the Commonwealth is ended, or *October 13, 2021*, whichever is earlier.

This ordinance shall take effect immediately upon its adoption.

Adopted: \_\_\_\_\_  
\_\_\_\_\_ Mayor

Attest: \_\_\_\_\_  
Clerk

All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

Council received a letter from Sara Conner for consideration/discussion of an ordinance to allow chickens in Town. Council provided consensus to add this item to the April 27, 2021 Workshop Agenda for discussion.

Mr. Boyce thanked Miss Conner for coming out tonight.

Ms. Spiggle reported that the Physical Development Committee and Finance & Planning Committee of the Town Council met jointly today to continue the FY 2022 Budget discussions.

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On a recommendation by Ms. Spiggle, Council voted to approve an increase in funding for Rev. Duck, Alive Media TV from \$575.00 per month to \$750.00 per month beginning with the FY 2022 budget.

All members present voting aye. Motion carried 6-0.

Citizens Comment Period:

Laura Briceland, Iceland's – Thank you for allowing/approving additional picnic tables for Mobile Food Establishments. The fireworks on July 3<sup>rd</sup>, 2020 was a significant day for us. She would like for council to consider small businesses and not waive the food truck fees for the one-day event.

Crissy Sampier – Inquired about food truck vendors for the Railroad Festival as she has applied but has not heard back from anyone. Council directed Ms. Sampier to the Railroad Festival Board of Directors, as the Town only provides a yearly donation to the event.

Town Manager Updates –

Mr. Shanaberger provided an update on the following activities:

- Appomattox Downtown Revitalization project continues and he is hopeful to have everyone under contract within the next 30-60 days. The branding and marketing request for proposals (RFP) are due April 13, 2021.
- United States (US) Cellular will begin construction on the cell tower in May-June 2021. The cell tower will be located on Founders Lane.

Council Comments –

Mrs. Puckette has a list but would like to yield until the financial analyst is complete. She would like to put \$1,000,000 from savings to the depot repairs. She thanked the Public Works department for the gutter repairs. There is a lot of rot on the back side of the depot.

Mr. Tilton – Thanked everyone who came out today. Citizen input and participation is how you get things done. Keep bringing all your friends and family.

Ms. Spiggle – Agreed with Mr. Tilton. In Lynchburg, the Small Business Alliance, is a group that businesses belong to and the SBA goes to City Council with business concerns. She also agrees with Mrs. Puckette. She is on the committee for the downtown project and the depot needs our attention. It is sturdy and sound but it needs to be work on.

Mr. Boyce – none

Mr. Garrett – none

Mr. Simpson – Agrees with Ms. Spiggle and Mrs. Puckette about the depot. Fast forward, the video front, could we send this item to the Appomattox Tourism Committee? Next, the Courtland Festival Park was recently stone slurred on the walking path. Lastly, can the Town plant a tree in honor of Arbor Day?

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Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn the meeting at 9:20 p.m. 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