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Regular Council Meeting
August 10, 2020

The Appomattox Town Council held a Regular Council meeting on Monday, August 10, 2020 at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

Council members present - Jonathan D. Garrett, Nathan A. Simpson, Mary Lou Spiggle, Timothy W. Garrett, Paul D. Harvey and Claudia G. Puckette.

Staff members present –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.

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:

None

Scheduled Public Appearances:

None

Public Comments:

Laura Dawson – 151 Burke Street

Thank you for adding us to your agenda tonight as we know you are busy making important decisions for our town. We are here to discuss an ordinance that was passed in 1997, well over 20 years ago. This ordinance was brought to my attention this past Wednesday when one of my son's friends said the police are talking to Matthew. So the boys went outside to see what all the fuss was and they came back in with a piece of paper, which is the first piece of paper you have in the packet you were given this evening along with officers business card. The paper states all the rules for Chapter 166:

§ 166-7. Skating and skateboards on streets, sidewalks, and parking areas of the Town.
[Amended 7-14-1997]

- A. The purpose of this section is to promote the health, safety and welfare of visitors and citizens throughout the Town. The combination of roller skate, in-line skates, scooters and skateboard traffic with automobile and pedestrian traffic poses an unreasonable risk of harm on the Town streets. Likewise, the combination of bicycle traffic with the pedestrians using sidewalks poses an unreasonable risk of harm.
- B. No person shall use roller skates, in-line skates, scooters, or skateboards on any street or sidewalk of theTown.
- C. No person shall use scooters or bicycles on the sidewalks of any street.

- D. No person shall use roller skates, scooters, in-line skates or skateboards on any public parking lot or parking area owned, leased, or operated by the Town.
- E. Any person violating this section shall be guilty of a class 4 misdemeanor.

Needless to say, the boys were very upset and emotional about this. You see the boys were not friends before COVID-19 reared its ugly head here in 2020. These boys did not even know each other. Throughout quarantine when schools shut down, sports ended, church and youth groups closed down, traditional birthday parties and hanging out with friends came to a slamming halt. You see I have 3 teenagers. I would often say go set out in the sun, go get some sun on your face because I could tell their moods were shifting even more than a normal 13, 15 or 17 year old would on any given day. Soon after March when our local world stopped, like literally in March we were told to stay in our homes and basically hunker down with our children but we were actually encouraged to go outside and spend some time in the sunshine and fresh air. The children started riding bikes, scooters, and skateboards all over the Town to pass the time, to get exercise, to do something other than watching TV or looking at a computer screen all day. This led to a few others joining in and led to friendships being formed that did not exist before. This was actually fun and felt normal, independent, and felt like kids again instead of prisoners in their own homes' dues to COVID and the quarantine. This all came to a screeching halt this week, as we know some sort of complaint was made and we want the children to be safe as well as the pedestrians and others on bikes, scooters, and skateboards. We feel there is a happy compromise we can come together to achieve this. These kids are not perfect, but they are good kids. They need some reminders about riding safely. I spoke with Officer Richardson at the Sheriff's Office about hosting a bicycle safety class in the park and he agreed to do so. As of now, the only riding they can do legally in the Town is the street, observing all traffic laws. That is it – no scooters, skateboards, or skates to be ridden in our town on streets or sidewalks. I have spoken to many community leaders and police officers that think some new safety measures need to be implemented and that riding bikes in the road as the only choice is not the safest our children. And I am sure many of you would agree. There are limited activities provided by our Town for older kids to enjoy. There are no skateparks, bike lanes, or shared walking/bike paths. In all reality all ages would benefit from a bike lane or a path and a skatepark would provide a safe place for our kids to skateboard or scooter. Lynchburg, Farmville and Bedford, our neighboring locales that have skateparks. Our kids beg us to take them to these skateparks all the time. They are all at the minimum 30 mins away from where we live. How nice would it be to give our youth such a great activity that does not require a team sport, which most seasons are cancelled or played on a very limited basis. The bottom line is biking, skateboarding or scooters on the streets or sidewalks should not be a crime. We would love to work together with law enforcement, you (the Town Council) and leaders of our community to amend this ordinance in a safe way so we could live in harmony for the sake of our youth. Thank you.

And the packet I have given you is just the ordinance that is current, the pages after it are some Virginia resources that pretty much implemented throughout the state. I have starred some of the highlights. If you look further in the packet there are some pictures of Bedford, Lynchburg and Farmville skateparks just so you can get an idea of what they have and the last sheet are some ideas of things we could come together and discuss for possible changes to the ordinance.

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Thank you for listening.

Ashley Sandman – member of the Appomattox Community and also serves as the CSA Coordinator for Appomattox County and with that I am tasked with assessing the needs of families and youth in our community from mental health to physical health to safety, food, and well being to basic needs of all children. So, I am coming to speak on behalf of that position as well as being a parent. Laura wrapped it up well with some of the concerns and solution focused ideas as a community we could lean toward. I did want to bring to light a few other minor concerns that contribute to this issue. I walk all over town, many of you have seen me. One of my concerns is that this ordinance clearly tries to protect the condition of the sidewalks, the sidewalks are in pretty terrible shape throughout the community and there are issues with a portion of Lee-Grant Avenue. I know you are aware of this area. Also, over on Highland Avenue and Oakleigh Avenue with the unevenness of the sidewalk makes it safer to walk in the street and this past year a co-worker in my office walking down the sidewalk and the sidewalk ended and the street continued and she ended up falling and broke her foot there. Last year my daughter and I were running down Oakleigh Avenue and my daughter tripped over an uneven section of the sidewalk and feel and rather than finish our run, I was carrying my 8 year old back to the car with bloody knees. There are several issues with the condition of the sidewalks that make them unsafe. The other issue is the lack of crosswalks. I work at the County Office and there is no crosswalk from the Courthouse Square over to the School Board Office and we conduct a lot of business there and it is literally like a game of frogger to get across Court Street. One of the other areas that desperately needs a crosswalk is Church Street and Confederate Avenue. We have children that walk to school and this is a really busy intersection. This is an area we need a push button to stop traffic type crosswalk to allow people to cross through there. It is very frustrating as a walker to navigate how to get around town. In addition, I would like to talk about the mental health concerns of isolating our youth and not making them feel like they are part of the community. When events like this happen to our kids, they are spoken to by authority figures, that can be pretty traumatizing to a kid, especially to kids that are not used to getting in trouble, or even those that are. If that had happened to me, I would still have feelings about that. So, I can imagine that was probably hard for some of our youth and their family members. And not to blame the officers because they are enforcing the law but there has to be a better way we can deal with these things. We also in a space where we are isolating kids from their friends for safety reasons and this need is important so that kids feel like they are part of our community. When we take away bikes and skateboards from our youth, we are also talking about the scooter of my 4 year old and in order to do that safely we drive to Lynchburg, where we went to Peaks View Park this weekend to ride bikes for 3 hours, we spent money there to get lunch, we went shopping afterwards. That is money we are not capturing in our town when families have to drive elsewhere. If we had the opportunity of a shared space for people to ride their bikes, to say in town, we all benefit from that and experience wellness and safety. We could push a safety campaign to encourage people to wear their helmets, wear safety pads, follow the traffic laws, post signs and post on social media. Lastly, when I see kids around town in groups that's a reminder for me as a parent that we are very lucky to live in a community that our kids are safe enough to get out and be in the community and I feel we are a very blessed community to have that to exist.

Elliott Milton – I am one of the kids that skates around. Thanks for having us out. When I first

heard that skating had been banned, I was surprised. In the seven (7) months that I've been skating around the Town of Appomattox, I've never been asked to leave a spot or been talked to by a property owner or citizen who didn't like what I was doing. The people of Appomattox seem to be okay with skateboarding. The skaters of this town are polite, respectful young men and women that love to skate. For many skating is their main form of transportation. To the young men, Cameron and Matthew do yardwork for many people around town. Both are not old enough to drive and both have no way to get their jobs except by skating there. The sidewalks are in no condition for us to skate on and if we are not allowed to skate in the street or parking area then please consider building us a designated place to skate. The skate scene of Appomattox is really growing, and I think we would really benefit from that. Thank you very much.

Julian Dawson – Thank you for listening. Skateboarding, scootering, and biking are primary fun and healthy activities to participate in outside. There is a movie called Footloose. I am sure you have seen it but in case you have not, it is about a Town that banned dancing. That seems dumb, right? Well, I think banning skateboards, scooters and bikes is just as ridiculous. I will admit that some people do not have common decency and will or have pulled out in front of moving vehicles, but you should not punish every citizen in this town for their actions. Now, I am not only here to complain but to create a solution. Perhaps we could have a bike lane for people to bike and skate in or you could help us building a proper skatepark in the empty field next to the Kiddie Park or fix up the sidewalks for it to be suitable for citizens to safely ride on them. I and my friends love riding around the Town. Please consider changing the ordinance so we can continue to enjoy it safely. Thank you for your time.

Jaime Martin – Good evening. I would like to go against what other speakers are saying. We also have children and they do not skateboard right now, but they do ride their bikes a lot and I am an active walker. I walk in the evenings. I have seen these children skateboarding and they are not doing anything wrong. To be honest it is really hard to tell my child to ride their bike in the road and not on the sidewalk but the sidewalks are dangerous and drivers are not paying attention now a days, not like they use to and on their phones. I feel a bike lane like they have in Lynchburg on Rivermont Avenue you know you are safe and maybe some education on how to ride a bike properly as well. Sidewalks are an issue, I agree with that also, the skateboarders need a skatepark. Something they can call their won. The emotional part of this COVID-19, kids need to ban together, they need to be together. They can be outside which is better than on video games. The children need this. I do not have a solution, but I am willing to be part of the solution and put my voice out there. I have been out walking at 10:00 p.m. and they come flying by me. It scares me to death, but they are not doing anything wrong. There is no vandalism. A Class 4 misdemeanor is a little much I feel for a 12-15-year-old. Anything I can do, I will. Thank you.

Carrington Moore – read by Laura Dawson

Hi, I am Carrington Moore and today I will be arguing against 166 – which states a number of things about skates, skateboarding on sidewalks and parking areas of the Town. A statement that this ordinance makes is that no person shall use roller skates, in-line skates, scooters, or skateboards on any street or sidewalk of the Town. It also states that no person shall use scooters or bicycles on the sidewalks of any street. No person shall use roller skates, scooters, in-line

skates or skateboards on any public parking lot or parking are owned, leased, or operated by the Town. Many of us kids love skateboarding and are very disappointed to acknowledge this edict because of COVID-19, there is not much to do. Skateboarding is one of the ways for us kids to have fun and still be safe from the virus. I have many friends who skate around town because they love it and have so much fun doing it. It is also a way of transportation for kids who are not able to drive yet. It is very easy for some to just get out there skateboard instead of nagging their parents to take them. I understand that some kids that some kids will be wild and rebellious but its not fair to punish all kids by taking away their rights to skate. If you have a problem with the simple activity of skateboarding then give us a place to skate, like a skatepark. We have plenty of space here in Town to build one. We will do whatever it takes to get one. We can fundraise for money and even help in the building process if needed. Many kids have been waiting for a skatepark in Appomattox for years and would also be so much more convenient for everyone because the kids wouldn't have to drive 30 minutes to the skatepark and kids would not be on the sidewalks or streets of town. That brings me to the next point that states that no personal shall use scooters or bikes on any sidewalk or street while also stating that the purpose of this section is to promote health, safety and welfare of visitors and citizens throughout the Town. We are told we are not allowed to ride bikes on the sidewalks, but we are told we are only allowed to ride bikes on the road, this does not make sense at all. I personally think riding on the road is riskier than riding a bike on the sidewalk for many reasons. The main one is that there are many people who are not cautious while driving. The other day, I went for a bike ride with one of my friends and we had to ride in the middle of the road. We were both paranoid the whole time that someone was going to run us over. It would have been more enjoyable if we would have had a sidewalk to ride on. As I said before, if you have a problem with people riding bicycles on the sidewalks then make a place for them to ride such as a bike lane. It might be a lot of work, but it would be worth it because it would reduce the possibility of accidents or wrecks. Personally, I love going on a simple bike ride with my friends or family. I know of many people who would also agree with that but according to the law we are not allowed to go for a refreshing bike ride on the sidewalk. Sometimes it can be hard for parents to get the kids engaged in physical exercise or activities, so they resort to bike rides. It has actually been proven that bike rides can improve your cardiovascular health, boost fitness, and improve your mood. Like skateboarding biking is a form of transportation. Maybe you just want to meet up with a friend, but you cannot drive so you simply ride your bike. That is a lot easier then begging your parents to take you. Biking is not just a hobby for kids but its for adults too. I am certain that many people of ages are disappointed or frustrated about finding out about this edict. Which brings me to my last point – This ordinance was passed in 1997 but for years there have been many kids and adults riding bikes and skateboarding on sidewalks. There has never been a problem, and nothing was said to them about the ordinance, why all of a sudden is it such a big deal? With all the crazy things going on in our world, it is important that kids and adults are able to do the simple and fun things that they enjoy. The activities we can do are limited now, our right to skate or bike around should not be taken away. All we want to do is ride bikes and skate on the sidewalks like normal kids do. Hopefully, you get my point and take it into consideration. Thank you so much for taking the time to listen to me.

Jeff Martin – I have two kids, a 12 and 14 year old and one of children has mental health problems and if you've ever had any dealings with that – to get them to even do anything,

exercise is hard and to finally getting them out to ride their bikes, wherever it is. We live on High Street and it is a racetrack through there and everyone of you have seen it. I am not good with asking my kids to ride their bikes in the road. We are worried about giving a kid a Class 4 misdemeanor. That's just ridiculous and if that's something you really want us to do – have kids ride in the street and one of them get hit – I'm sure a Class 4 misdemeanor is the last thing you'll have to worry about. I love seeing the kids ride by the house, having fun so get the speeding down and does everyone want a kid riding down the street on a scooter or bike – is that what everyone wants? No. I understand if it is Granny Bee's or the stores on Main Street but if you are in front of the Methodist Church or anywhere like that, I think you should be on the sidewalk. I will pay my son's Class 4 misdemeanor. They are not going to ride in the road – I am sorry – that is how I feel. It is way bigger fish to fry than kids riding skateboard on sidewalks. You should be happy they are not inside playing video games and not robbing people and half the stuff you see the world doing. They are just having fun. Thank you.

Scotty Johnson – I skated all through high school and it was terrible then. To see what these kids have to go through now is terrible. Kids should be able to go outside, enjoy themselves without having to worry about a misdemeanor. That is just the bottom line. Build them a skatepark. Give them somewhere to go. If you all are complaining about them being in the road – then give them somewhere to go. That is all. Thank you.

The Appomattox Town Council members thanked everyone who attended.

Adoption of the Consent Agenda:

On a motion by Mr. T. Garrett, seconded by Ms. Spiggle, Council voted to accept the adoption of the consent agenda for Monday, August 10, 2020 as presented. All members present voting aye. Motion carried 6-0.

Old Business:

On a motion by Mr. Simpson, seconded by Ms. Spiggle, Council voted to approve the \$240,000 expenditure to the Appomattox Volunteer fire Department for the purchase of the new fire truck. Vote: Simpson – aye, Spiggle – aye, Harvey – aye, Puckette – aye. T. Garrett and J. Garrett abstained due to affiliation with the Appomattox Volunteer Fire Department. Motion carried 4-0-2.

New Business:

Mr. Shanaberger informed Council that the Town Planning Commission reviewed the 20-year Comprehensive Plan and has recommended it come to Council for your review so it can be advertised for a joint public hearing. A lot of work has gone into the Comprehensive Plan. The Comprehensive Plan really reflects the survey that went out to the community and what the community is looking for. Some of the items we just heard about are in our Comprehensive Plan, such as bike trails and those types of things. It is a 20-year plan and truly a compliment to Council as many of the bullet points that were in the last Comprehensive Plan have been completed or addressed. I know from our retreat we have added some more. Phillip Gabathuler, Central Virginia Planning District Commission led the project. Hopefully, you have had a chance to review it.

Ms. Spiggle – In looking at the Comprehensive Plan, I think it is one of the best yet. I am very pleased with it. She thanked Mr. Gabathuler and the members of the Planning Commission.

Mr. Shanaberger thanked Mrs. Christy Torrence for her work on the plan as well.

On a motion by Mr. Harvey, seconded by Mr. T. Garrett, Council voted to advertise a joint public hearing on Tuesday, August 25, 2020 at 6:00 p.m. to hear citizen input on the 2040 Comprehensive Plan. All members present voting aye. Motion carried 6-0.

Mr. Shanaberger informed Council of the draft mixed-use ordinance over the past several months. The Town has received several calls over the last few months from owners and developers asking if the Town has a mixed-use ordinance. Currently, the Town does not but I believe in the past it had been accommodated through special use exceptions/permits. But from my understanding in order for it to be effective we really need an ordinance. Its is designed to go into B-1 and B-2 districts and there are conditions that have to be met. The two (2) primary conditions are: 1) designated parking spot for each bedroom and 2) the plans for the residential part have to be submitted by an architect or engineer. That way the Town will know that all state requirements have been met.

Ms. Spiggle – correct me if I’m wrong but don’t we already have this mixed use for the Thomasville property?

Mr. Shanaberger stated he would have to check to be sure. That property is zoned M-1 (Industrial). Mr. Harvey said the Thomasville property was a conditional use permit for just that property.

Mr. Simpson asked if this would allow for the 1st floor as residential in the business zone? Mr. Shanaberger said no, it would have to be the 2nd floor.

On a motion by Mr. J. Garrett, seconded by Mr. Simpson, Council voted to advertise a joint public hearing for Tuesday, August 25, 2020 at 6:00 p.m. to hear citizen comments regarding the proposed Mixed-Use Zoning Ordinance. All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

None

Town Manager’s Report:

Mr. Shanaberger provided the following updates:

- Work continues on the Smart Scale VDOT application for Lee Grant Avenue. It is due on Friday, August 14, 2020. It is a very competitive process.
- The Virginia Municipal League Annual Conference will be a virtual event this year, October 7 and 8, 2020. There is a \$95.00 registration fee.

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Council Comments:

Mrs. Puckette would like to place Ms. Joetricia Humbles with Appomattox for Equality on a future agenda.

Mr. Simpson commented that based on the showing tonight, we should have a discussion of the skateboarding, biking issue at a future meeting. What are other localities doing? Looking at the smaller Towns, how are they paying for these things. He would like to open the discussion.

Mr. Harvey agreed with Mr. Simpson. Mr. Shanaberger has suggested created a citizen's meeting. Mr. Harvey also said he has been asked Mr. Redding with the Appomattox County Chamber Commerce when they could move into the depot. Mr. Harvey stated he knew the motion died for the lack of a second but wasn't sure why – maybe because so many other things were going on. He would like for Council to address that at a future meeting.

Closed Session:

On a motion by Council Member Puckette, seconded by Council Member T. Garrett, Council voted to convene in closed session Pursuant to Section 2.2-3711 A. 3 of the Code of Virginia (1950), as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, such property identified by Tax Map # 64A5 A 200.

Vote: J. Garrett – aye, P. Harvey – aye, M. Spiggle – aye, T. Garrett – aye, N. Simpson – yes, Puckette – yes.

The meeting was re-opened to the public.

Council Member T. Garrett 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 J. Garrett and Council by the following recorded vote adopted the motion:

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Vote: J. Garrett – aye, P. Harvey – aye, M. Spiggle – aye, T. Garrett – aye, N. Simpson – yes,
Puckette – yes.

Motion carried 6-0.

Adjournment:

On a motion by Mr. T. Garrett, seconded by Ms. Spiggle, Council voted to adjourn at 9:00 p.m.
All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor