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Regular Council Meeting
October 13, 2020

The Appomattox Town Council held a Regular Council meeting on Tuesday, October 13, 2020 at 7:30 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, Paul D. Harvey and Claudia G. Puckette (via phone).

Staff members present –Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne W. Casto, Clerk of Council.

Others present – Carlton Duck, Michelle Murch, Sarah Conner, Bill Gillespie, Susan Adams, Bruce Boone, Brian Goldman, Emilee Lauer, Deborah Williams & staff from Blue Ridge Medical Center.

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:

Ms. Deborah Williams introduced some of the staff of the Blue Ridge Medical Center. There will be a center in Appomattox starting in November 2020. They will be offering family practice of children through elderly and may add dental at a later time. Council thanked Blue Ridge Medical for filling a large void in the community.

Adoption of the Consent Agenda:

On a motion by Ms. Spiggle, seconded by Mr. P. Harvey, Council voted to accept the adoption of the consent agenda for Tuesday, October 13, 2020 as presented. All members present voting aye. Motion carried 6-0.

Unfinished Business:

On a motion by Mr. N. Simpson, seconded by Mr. P. Harvey, Council voted to accept the recommendation of the Appomattox Town Planning Commission to approve an ordinance to revise a portion of the Code of the Town of Appomattox, in Chapter 195, Article VII, "Business District, Lee Intense Use, General, B-1", Article VIII, "B-2 Business District". All members present voting aye. Motion carried 6-0.

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New Business:

On a motion by Mr. P. Harvey, seconded by Mr. T. Garrett, Council voted to advertise a joint public hearing with the Appomattox Town Planning Commission to be held on October 27, 2020 at 6:00 p.m. for a rezoning application submitted by Bruce s. Boone for 929 Confederate Blvd. All members present voting aye. Motion carried 6-0.

On a motion by Ms. Spiggle, seconded by Mr. Tilton, Council voted to advertise a joint public hearing with the Appomattox Town Planning Commission to be held on October 27, 2020 at 6:00 p.m. for a zoning request to install a cell tower on the former Thomasville property. All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

None

Citizens Comment Period:

None

Town Manager's Report:

Mr. Shanaberger provided the following updates:

- Paperwork for the Inflow and Infiltration project at the sewer plants continues to be processed. The construction contracts have arrived and will be reviewed and signed.
- The Department of Housing and Community Development has received the grant application for the Church Street Waterline Replacement Project. Progress continues on the grant application for Rural Development for the same project. Hurt & Proffitt, Inc. continues to work on the Environment Review reports.

Council Comments:

Mr. P. Harvey:

Skateboarding/Biking topic:

Mr. P. Harvey and Nathan Simpson met with citizens about the skating issues. He reported they talked about not having an ordinance in the Town and going by the State Code to be the standard. Mr. Harvey spoke with Mr. Wright concerning this and he said we would not really have anything enforceable without an ordinance in the Town. Bikers are to follow the traffic laws. We just don't want them on the sidewalks. It's already in the state code that bikes are not allowed on sidewalks, so that will need to be in there. Basically, the state code leaves it up to the localities what – how you want to state it.

Mr. Harvey said they also talked about the Town Council providing some type of designated skate areas after business hours. It would give them (skaters) something to possibly use. Robby Richardson has agreed to have a training session with the bikers and skaters and to do an hour-long presentation. We also talked about having some form of certification that they have attended the class. Younger kids coming in later would be mentored by the older kids to take the class. Hopefully, the parents would step up and encourage their kids to take the class.

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Liberty Baptist Church has purchased additional property near the planned park on Lee Grant Avenue. Mr. Harvey spoke with Mr. Simpson about leasing or donating property for a skatepark. There may be some private funding available for building a skatepark. If the Town assumes all risks, it will solve potential problems since the Town has sovereign immunity. More research is needed. The location on Lee Grant Avenue would be ideal.

Mr. Simpson commented the Town would only be a liability vehicle. The Town would not be putting any money into it. The Church could be more easily sued versus the Town.

Mr. Harvey said he believes the Town could put a little bit of money into the skatepark to help build it or at least look at grant opportunities.

Mr. Garrett asked about the Town's legal position/exposure.

Mr. Frank Wright, Town Attorney responded that the Town does have sovereign immunity, but it does not mean the Town is incapable of being sued.

Internet/WI-FI options in Town:

Mr. Harvey offered to talk to Warren Kane, CEO of B2X Online. He has agreed to make a presentation to Council at the Workshop meeting on October 27, 2020.

Financial Analysis:

Mr. Harvey also inquired about pursuing a financial analysis of the Town after the audit is complete. We need to use other people's money to get some of this stuff done. The way the meals tax is going, he would like Council put aside some of that money for the depot renovations.

Mr. T. Garrett – none

Mr. Tilton – none

Mr. Simpson – none

Ms. Spiggle – none

Mrs. Puckette – none

Closed Session:

On a motion by Council Member Simpson, seconded by Council Member Harvey, Council voted to convene in Closed Session, pursuant to Section 2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of discussion of prospective candidates for employment, specifically Candidate A.

Vote: Tilton – yes, Simpson – yes, Spiggle – yes, T. Garrett – yes, Puckette – yes, Harvey – yes.

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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 Simpson and Council by the following recorded vote adopted the motion:

Vote: Tilton – yes, Simpson – yes, Spiggle – yes, T. Garrett – yes, Puckette – left the closed session at 9:10 p.m., Harvey – yes.

Motion carried 5-0.

Adjournment:

On a motion by Mr. Simpson, seconded by Ms. Spiggle, Council voted to adjourn at 9:20 p.m. All members present voting aye. Motion carried 5-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor