

1 | **Appomattox Town Council**  
**Regular Council Meeting**  
**April 13, 2020**

The Appomattox Town Council held a Regular Council meeting on Monday, April 13, 2020 at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey, presiding.

Town Council members present were Jonathan D. Garrett, James Boyce, Sr., Mary Lou Spiggle, Timothy W. Garrett, and Steven T. Conner.

Absent: Claudia G. Puckette.

Staff present were Town Manager, Gary Shanaberger and Clerk of Council, Roxanne Casto.

Others present were Carlton Duck.

In accordance with §2.2-3708.2 of the Code of Virginia, the Appomattox Town Council met for the following purposes:

1. Consideration to ratify the Mayor's Declaration of Emergency
2. Consideration to adopt an Ordinance authorizing electronic meetings for continuity of government.

The meeting was also broadcast LIVE on the Town of Appomattox Facebook page.

On a motion by Mr. Conner, seconded Mr. Jonathan Garrett, Council voted to ratify the Mayor's Declaration of Emergency:

**PROCLAMATION TO DECLARE A LOCAL EMERGENCY**

WHEREAS, due to the outbreak of COVID-19 the Town of Appomattox is facing conditions of extreme peril to the lives, health, and safety of residents, which necessitates the proclamation of the existence of an emergency; and,

WHEREAS, Section 44-146.21 of the Code of Virginia provides for the declaration of a local emergency; and,

WHEREAS, Section 10-7 of the Code of the Town of Appomattox provides for the emergency proclamation by the Mayor; and

WHEREAS, the Town of Appomattox operates under the County of Appomattox's approved Emergency Operations Plan.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the Town of Appomattox, Virginia does consent to the declaration of a local emergency. This declaration will be presented for confirmation by the Town Council at the Council's next regularly scheduled meeting or at a special meeting within 45 days of the declaration, whatever occurs first.

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BE IT FURTHER RESOLVED that during the existence of said emergency the powers, functions, duties of the Director of Emergency Services for the County of Appomattox and other Town and County officers and employees having emergency responsibilities shall be those prescribed by the Plan and all applicable State and Federal law; and

BE IT FURTHER RESOLVED that this proclamation is effective this date and shall remain in effect until rescinded by the Town of Appomattox as provided by law.

Adopted this 19th day of March 2020.

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Paul D. Harvey, Mayor

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Roxanne W. Casto, MMC  
Town Clerk

All members present voting aye. Motion carried 5-0.

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

**AN ORDINANCE TO ESTABLISH 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, 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,

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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 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.

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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, 2020, whichever is earlier.

This ordinance shall take effect immediately upon its adoption.

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

\_\_\_\_\_  
Mayor

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

Clerk

Adjournment:

On a motion by Mr. Jonathan Garrett, seconded by Mr. Boyce, Council voted to adjourn at 8:20 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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Paul D. Harvey, Mayor