

1 | **Appomattox Town Council**
Regular Council Meeting
September 13, 2021

The Appomattox Town Council held a Regular Council meeting on Monday, September 13, 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; Brian McChesney, Blue Ridge Medical; Steve Conner, Rob Fowler, Jeff Westbrook, 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.

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.

Public Hearing:

Mayor Conner opened the public hearing and stated the purpose:

To receive public comments concerning the following:

Amendment to the FY 2021 Budget for the Town of Appomattox – In accordance with Section 15.2-2506 Code of Virginia, the following is a brief synopsis of the budget amendment by the Town of Appomattox for FY2021 for the purpose of one-time additional funding received for the Appomattox Volunteer Fire Department via the Virginia Department of Fire Programs on June 24, 2021:

General Fund Expenditures Amendment	<u>\$5,000.00</u>
Total Expenditures Amendment	\$5,000.00
General Fund Revenue Amendment	<u>\$5,000.00</u>
Total Revenue Amendment	\$5,000.00

Amendment to the FY 2022 Budget for the Town of Appomattox – In accordance with Section 15.2-2506 Code of Virginia, the following is a brief synopsis of the budget amendment by the Town of Appomattox for FY 2022 for the purpose of Water Fund – Church Street USDA Grant/Loan, Sewer Fund – Carry forward from FY 2021 for SCADA System ordered in June 2021 and ARPA funds – American Rescue Plant Act grant fund proceeds:

Water Fund Expenditures Amendment	\$1,645,000.00
Sewer Fund Expenditures Amendment	\$129,080.00
ARPA Fund Expenditures Amendment	<u>\$930,652.00</u>
Total Expenditures Amendments	\$2,704,732.00

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Water fund Revenue Amendment	\$1,645,000.00
Sewer Fund Revenue Amendment	\$129,080.00
ARPA Fund Revenue Amendment	<u>\$930,652.00</u>
Total Revenue Amendment	\$2,704,732.00

Documentation was available at the Town Office on 210 Linden Street from 8:30 a.m. – 4:30 p.m.; Monday through Friday.

There were no public comments made.

Mayor Conner closed the hearing.

Mayor Conner opened the second public hearing by stating the purpose:

PLEASE TAKE NOTICE that at its meeting to be held on Tuesday, August 24, 2021, at the hour of 6:00 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia, the Appomattox Town Planning Commission will conduct a public hearing on a proposed Ordinance of Vacation, pursuant to Virginia Code Ann. Sec. 15.2-2272 to vacate an unopened portion of Second Street, depicted as “Second Street 50 ft. R/W (Not Open)” on a plat dated June 3, 2021, entitled “Resurvey of Lots 166-183 Lee Grant Addition See D.B. 187 p. 724 . . . 2.583 Acres Surveyed for: High Rise Holdings LLC,” such plat or an updated version thereof to be recorded in the clerk’s office of the Appomattox County Circuit Court (the “New Plat”), such unopened portion being 50 feet in width and extending 250 feet northwest from a parcel owned by the Civil War Preservation Trust and identified as T.M. No. 64A2-4-3A (the “Unopened Portion of Second Street.”) The effect of such proposed vacation shall be to vest such title as the Town of Appomattox may possess to the centerline of such unopened street so vacated, free and clear of any rights of the public, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274, equally in the owners of abutting properties as follows:

- a) The southwestern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-161 owned by Freddie R. Jones, or his successor in interest;
 - b) The northeastern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-166 owned by High Rise Holdings LLC, or its successor in interest;
- The Planning Commission will make its recommendation with respect thereto to the Appomattox Town Council for its consideration at its meeting to be held on Tuesday, September 7, 2021.

PLEASE TAKE FURTHER NOTICE that at its meeting to be held on Monday, September 13, 2021, at the hour of 7:30 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia, the Appomattox Town Council will consider the recommendations of the Planning Commission with respect to the above-described proposed Ordinance of Vacation, pursuant to Virginia Code Ann. Sec. 15.2-2272 to vacate the above-described portion of a plat. The Town Council will have said ordinance proposed to it for passage and will hold a public hearing thereon, pursuant to the same statutory authority.

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The entire text of the above-noted Ordinance of Vacation is on file in the Town Office, 210 Linden Street, Appomattox, Virginia, and can be examined there between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

The public is invited to attend and make their views known.

There were no public comments made.

Mayor Conner closed the hearing.

Mayor's Comments:

Mayor Conner said it is great to see everyone out tonight.

Scheduled Public Appearances:

None

Adoption of the Consent Agenda:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adopt the consent agenda for Monday, September 13, 2021, as presented. All members present voting aye. Motion carried 5-0.

Unfinished Business:

None

New Business:

On a motion by Ms. Spiggle, seconded by Ms. Puckette, Council voted to adopt a Budget Amendment Resolution for FY 2021:

1. Consideration to adopt a resolution amending the FY 2021 Operating Budget for the General Fund to appropriate the one-time additional funding received for the Appomattox Volunteer Fire Department via the Virginia Department of Fire Programs on June 24, 2021.
2. WHEREAS, Section 15.2-2507, Code of Virginia, allows that a governing body may amend the budget from time to time
3. NOW THEREFORE, BE IT RESOLVED, that the Appomattox Town Council does hereby amend the FY 2021 Operating Budget for the General Fund.

General Fund Expenditures Amendments

Net Increase in Budget \$ 5,000.00

General Fund Revenue Amendments

Net Increase in Budget \$ 5,000.00

SECTION XIII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year 2021 budget amendments are hereby adopted, 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.

Amended this ____ day of _____ 2021.

Attest:

Roxanne Casto, Town Clerk

All members voting aye. Motion carried 5-0.

On a motion by Mr. Simpson, seconded by Mr. Garrett, Council voted to adopt a Budget Amendment Resolution for FY 2022:

1. Consideration to adopt a resolution amending the FY 2022 Operating Budget for the Water Fund, Sewer Fund, and ARPA Fund for the purpose of Water Fund – Church Street USDA Grant/Loan, Sewer Fund-Carry Forward from FY 2021 for SCADA System ordered in June 2021 and ARPA Fund – American Rescue Plan Act grant fund proceeds.
2. WHEREAS, Section 15.2-2507, Code of Virginia, allows that a governing body may amend the budget from time to time
3. NOW THEREFORE, BE IT RESOLVED, that the Appomattox Town Council does hereby amend the FY 2022 Operating Budget for the Water Fund, Sewer Fund and ARPA Fund.

Water Fund Expenditures Amendment	\$1,645,000.00
Sewer Fund Expenditures Amendment	\$129,080.00
ARPA Fund Expenditures Amendment	<u>\$930,652.00</u>
Total Expenditures Amendment	\$2,704,732.00

Water Fund Revenue Amendment	\$1,645,000.00
Sewer Fund Revenue Amendment	\$129,080.00
ARPA Fund Revenue Amendment	<u>\$930,652.00</u>
Total Revenue Amendment	\$2,704,732.00

SECTION XIII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year 2022 budget amendments are hereby adopted, 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.

Amended this ____ day of _____ 2021.

Attest:

Roxanne Casto, Town Clerk

All members voting aye. Motion carried 5-0.

On a motion by Mr. Boyce, seconded by Mr. Garrett, Council voted to accept the recommendation of the Town Planning Commission and adopt an Ordinance of Vacation – unopened portion of Second Street.

Ordinance of Vacation

[Unopened portion of Second Street]

WHEREAS, by plat dated October 15, 1948, entitled “Plat of Lee-Grant Addition, Appomattox, VA, Durham & Higginbotham, Owners,” and recorded in the Appomattox County Circuit Court Clerk’s Office in Deed Book 50, page 388, certain streets were created, including a street to be known as “Second Street” as shown upon such plat (the “Original Plat”); and,

WHEREAS, a currently unopened portion of Second Street is depicted as “Second Street 50 ft. R/W (Not Open)” on a plat dated June 3, 2021, entitled “Resurvey of Lots 166-183 Lee Grant Addition See D.B. 187 p. 724 . . . 2.583 Acres Surveyed for: High Rise Holdings LLC,” such plat or an updated version thereof to be recorded in the clerk’s office of the Appomattox County Circuit Court (the “New Plat”), such unopened portion being 50 feet in width and extending 250 feet northwest from a parcel owned by the Civil War Preservation Trust and identified as T.M. No. 64A2-4-3A (the “Unopened Portion of Second Street”); and,

WHEREAS, the Unopened Portion of Second Street has never been opened, and there is no further need for it to be opened; and,

WHEREAS, it is the desire of the Town of Appomattox, acting by and through its Town Council, to vacate the Unopened Portion of Second Street by Ordinance of Vacation in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272;

WHEREAS, the effect of such vacation shall be to vest such title as the Town of Appomattox may possess to the centerline of such unopened street so vacated, free and clear of any rights of the public, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274, equally in the owners of abutting properties as follows:

- a) The southwestern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-161 owned by Freddie R. Jones, or his successor in interest;
- b) The northeastern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-166 owned by High Rise Holdings LLC, or its successor in interest;

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272 the Unopened Portion of Second Street **shall be, and the same hereby is, vacated**, a public hearing thereon having been duly advertised in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2204;

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance of Vacation shall be recorded after the expiration of thirty (30) days from the date hereof, unless appealed to the Circuit Court for the County of Appomattox, Virginia, and thereafter if this Ordinance of Vacation is affirmed by said Court, in the Clerk's Office of the Circuit Court of Appomattox County, Virginia;

BE IT FURTHER ORDAINED, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274, the recordation of this Ordinance of Vacation as required in the preceding paragraph shall operate to destroy the force and effect of any previously created boundary lines of that portion of the unnamed and unopened street so described above and so vacated and to vest such title as the Town of Appomattox may possess free and clear of any rights of the public, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274, equally in the owners of abutting properties as follows:

- a) The southwestern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-161 owned by Freddie R. Jones, or his successor in interest;
- b) The northeastern half of the Unopened Portion of Second Street shall be added to T.M. No. 64A2-4-166 owned by High Rise Holdings LLC, or its successor in interest.

The vote was: Aye: 5
 Nay: 0
 Abstain: 0

Motion carried 5-0.

On a motion by Ms. Spiggle, seconded by Mr. Garrett, Council voted to adopt the following resolutions for the Department of Housing and Community Development Grant reference the Church Street Waterline Replacement Project:

Residential Anti-Displacement Plan
Non-discrimination Policy
Business & Employment Plan
Environmental Review Adoption

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

Council Standing Committee Reports:

None

Citizens Comment Period:

None

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Town Manager Updates –

Mr. Shanaberger provided an update on the following activities:

- Church Street Waterline Replacement project
- Downtown Revitalization Project
- He and Mr. Elder met with Hurt & Proffitt to discuss the preliminary findings of the Church Street sidewalk
- The Request for Proposals for engineering and project management services RFP's are due on September 15, 2021.
- The Town EDA meeting is scheduled for Tuesday, September 14, 2021 at 6:00 p.m.

Council Comments –

Puckette – reported she met with Mr. Shanaberger and would like for the Town to produce a Fact Sheet to promote the Town's accomplishments. She would like to inform citizens when they may incur inconveniences. She is also volunteering Ms. Spiggle to assist her with this project.

Simpson – requested to reschedule the Council Retreat as soon as possible.

Boyce – inquired if the Church Street (Downtown Revitalization Project) included a provision for traffic calming. Mr. Shanaberger replied that he would review the request. Mr. Simpson asked if reclassifying the road/route as primary could create a solution to the traffic problem.

Spiggle – none

Garrett – none

Tilton – absent

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn at 7:55 p.m. All members present voting aye. Motion carried 5-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor