

1 | **Appomattox Town Council**  
**Regular Council Meeting**  
**December 12, 2022**

The Appomattox Town Council held a Regular Council meeting on Monday, December 12, 2022 at 6:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Conner presiding.

Members present: James J. Boyce, Sr., Timothy W. Garrett, Claudia G. Puckette, Mary Lou G. Spiggle.

Absent: Nathan A. Simpson

Others: Jeff Elder; Blair Smith; Jane and Scotty Allen; Drew and Tiffany Dearing; Carlton Duck; Janet Hix; Hailey Fox; Susan Chapman; Kim Ray, Treasurer; Dana Glover; Rob Fowler; R. Terry McGhee, Town Manager and Roxanne W. Casto, Clerk of Council.

Mayor Conner called the meeting to order and welcomed the visitors.

Public Hearing

**TO THE CITIZENS OF THE TOWN OF APPOMATTOX**  
**NOTICE OF PUBLIC HEARINGS**

**PLEASE TAKE NOTICE** that at its meeting to be held on Tuesday, December 6, 2022, 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 AN ORDINANCE TO AMEND the Code of the Town of Appomattox by deleting and repealing Chapter 195, Zoning, Article IV to be entitled Residential District, Limited, R-2 (Village Homes) and replacing it with a new Chapter 195, Article IV to be entitled Residential District, Limited, R-2.

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, December 6, 2022 at 6:00 p.m.

**PLEASE TAKE FURTHER NOTICE** that at its meeting to be held on Monday, December 12, 2022, at the hour of 6:30 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 AN ORDINANCE TO AMEND the Code of the Town of Appomattox by deleting and repealing Chapter 195, Zoning, Article IV to be entitled Residential District, Limited, R-2 (Village Homes) and replacing it with a new Chapter 195, Article IV to be entitled Residential District, Limited, R-2. 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.

The entire text of the above-noted revision 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.

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

Staff presentation-Mr. Fowler explained this amendment is intended to redefine R-2 and include short term rentals. The process for permitted uses will remain the same. The Planning Commission approved the amendment at their meeting on December 6, 2022.

Council Comments-none

Public Comments-none

Mayor Conner closed the hearing.

Action Item:

On a motion by Mr. Boyce, seconded by Mr. Garrett, Council voted to approve AN ORDINANCE TO AMEND the Code of the Town of Appomattox by deleting and repealing Chapter 195, Zoning, Article IV to be entitled Residential District, Limited, R-2 (Village Homes) and replacing it with a new Chapter 195, Zoning, Article IV to be entitled Residential District, Limited, R-2;

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

Section 1. The Code of the Town of Appomattox is hereby amended by deleting and repealing Chapter 195, Zoning, Article IV, Residential District, Limited, R-2 (Village Homes) and

Section 2. The Code of the Town of Appomattox is hereby amending by adding thereto a new Chapter to replace Chapter 195, Zoning, Article IV hereinabove repealed, to be Chapter 195, Zoning, Article IV, Residential District, Limited, R-2 to read as follows:

§ 195-32.1. Statement of Intent.

§ 195-32.2. Permitted Uses.

§ 195-32.3. Lot size; yard regulations.

§ 195-32.4. Uses by Special Use Permit (Development Standards).

§ 195-32.5. Height regulations.

§ 195-32.6. Square footage requirements.

§ 195-32.7. Landscaping requirements.

~~§ 195-32. Statement of intent.~~

~~This district covers that portion of the community intended for single-family residences as distinguished by smaller area regulations. This type of residence requires the special landscaping or architectural treatment set forth in this article. The standards contained herein are designed to reduce noise transmission between residences, reduce visual intrusion and decrease the impact of smaller area requirements on adjacent properties. Village homes can only be constructed in specified Residential Districts R-2. A special use permit is required.~~

~~§ 195-33. Uses permitted.~~

~~Village homes are permitted in R-2 Residential Districts subject to the approval of a tentative site plan including the location of all proposed structures, exterior views, and preliminary landscaping proposals showing the location, quantity and type of plant materials.~~

~~§ 195-34. Lot size; yard regulations.~~

- ~~A. Lot area. The minimum lot area shall be 4,500 square feet.~~
- ~~B. Lot width. The minimum lot width shall be 45 feet measured at the point of required setback line.~~
- ~~C. Lot depth. The minimum lot depth shall be 75 feet.~~
- ~~D. Front depth. The minimum depth of the front yard shall be 25 feet.~~
- ~~E. Rear yard. All dwellings shall have a minimum rear yard of 15 feet. Unattached buildings of accessory use shall not be located closer to any rear lot line than five feet.~~
- ~~F. Side yard. Side yards abutting a public street shall have a setback of not less than 20 feet; however, side yards not abutting on a public street may be reduced or eliminated, provided that:
  - ~~(1) At least 50% of the side yard reduced by this procedure is made up on the opposite side of the site;~~
  - ~~(2) Where a reduced side yard is used, the abutting site must be held under the same ownership at the time of issuance of the building permit;~~
  - ~~(3) Unless a zero side yard is used, the side yard shall not be less than five feet;~~
  - ~~(4) The wall of any structure constructed along a common property line shall be solid masonry material or other materials approved by the statewide building code that would provide the appropriate fire rating;~~
  - ~~(5) Finished grade of any proposed residence at the common property line shall not exceed finished grade on the abutting property by more than four feet in height.~~~~

~~§ 195-35. Height regulations.~~

~~No dwelling shall exceed three stories or 35 feet in height whichever is less. Accessory buildings shall not exceed 15 feet in height.~~

~~§ 195-36. Square footage requirements.~~

- ~~A. Dwellings shall have a minimum of 1,200 square feet exclusive of porches and garages. Additionally, multistory dwellings must contain at least 800 square feet on~~

~~the main level, and below ground levels cannot be used to meet the required minimum area of 1,200 square feet.~~

~~B. In addition to the requirements of Subsection A, all dwellings shall have 100 square feet of enclosed storage space. The storage space may be an integral part of the dwelling, or it may be in the form of an accessory building meeting the requirements of this chapter and all other applicable laws.~~

~~§ 195-37. Landscaping requirements.~~

~~A. The yards of Village homes shall be landscaped and shall include, at a minimum, the installation of one shade tree and three evergreen shrubs or decorative trees and at least one of the following three landscaping or architectural treatments:~~

~~(1) A front yard raised above the grade of the sidewalk by at least three inches and four flowering or evergreen shrubs.~~

~~(2) Two decorative trees, a hedge consisting of at least 20 plants, and 10 flowering or evergreen shrubs or alternatively 20 flowering or evergreen shrubs.~~

~~(3) A berm or earth mound averaging 18 inches above the average grade of the rest of the yard and covering 20% of the lot not covered by the dwelling or other structures. The berm or earth mound shall be covered with grass or ground cover and must be planted with at least four decorative trees or evergreen shrubs.~~

~~B. Standards. The requirements of "landscaping requirements" shall be met prior to issuance of an occupancy permit for any dwellings permitted under this chapter.~~

**§ 195-32.1 Statement of intent.**

*This district covers that portion of the community intended for single-family residences as distinguished by smaller lot area regulations. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit all activities of a commercial nature.*

**§ 195-32.2 Permitted uses.**

A. *Single-family dwellings.*

B. *Short Term Rentals.*

C. *Home occupations, as defined in this chapter, conducted by the occupant.*

**§ 195-32.3. Lot size; yard regulations.**

A. *Lot area. The minimum lot area shall be 4,500 square feet.*

- B. Lot width. The minimum lot width shall be 45 feet measured at the point of required setback line.*
- C. Lot depth. The minimum lot depth shall be 75 feet.*
- D. Front depth. The minimum depth of the front yard shall be 25 feet.*
- E. Side yard. The minimum setback of the side yard shall be at least five feet.*
- F. Rear yard. All dwellings shall have a minimum rear yard of 15 feet. Unattached buildings of accessory use shall not be located closer to any rear lot line than five feet.*

**§ 195-32.4. Uses by Special Use Permit. (Development Standards)**

- A. Village homes are permitted in R-2 Residential Districts subject to the approval of a tentative site plan including the location of all proposed structures, exterior views, and preliminary landscaping proposals showing the location, quantity, and type of plant materials.*
- B. Lot area. The minimum lot area shall be 4,500 square feet.*
- C. Lot width. The minimum lot width shall be 45 feet measured at the point of required setback line.*
- D. Lot depth. The minimum lot depth shall be 75 feet.*
- E. Front depth. The minimum depth of the front yard shall be 25 feet.*
- F. Side yard. Side yards abutting a public street shall have a setback of not less than 20 feet; however, side yards not abutting on a public street may be reduced or eliminated, provided that:
  - (1) At least 50% of the side yard reduced by this procedure is made up on the opposite side of the site;*
  - (2) Where a reduced side yard is used, the abutting site must be held under the same ownership at the time of issuance of the building permit;*
  - (3) Unless a zero-side yard is used, the side yard shall not be less than five feet;*
  - (4) The wall of any structure constructed along a common property line shall be solid masonry material or other materials approved by the statewide building code that would provide the appropriate fire rating;*
  - (5) Finished grade of any proposed residence at the common property line shall not exceed finished grade on the abutting property by more than four feet in height.**
- G. Rear yard. All dwellings shall have a minimum rear yard of 15 feet. Unattached buildings of accessory use shall not be located closer to any rear lot line than five feet.*

**§ 195-32.5. Height regulations.**

*No dwelling shall exceed three stories or 35 feet in height whichever is less. Accessory buildings shall not exceed 15 feet in height.*

**§ 195-32.6. Square footage requirements.**

- A. Dwellings shall have a minimum of 1,200 square feet exclusive of porches and garages. Additionally, multistory dwellings must contain at least 800 square feet on the main level, and below-ground levels cannot be used to meet the required minimum area of 1,200 square feet.*
- B. In addition to the requirements of Subsection A, all dwellings shall have 100 square feet of enclosed storage space. The storage space may be an integral part of the dwelling, or it may be in the form of an accessory building meeting the requirements of this chapter and all other applicable laws.*

**§ 195-32.7. Landscaping requirements.**

- A. The yards of Village homes shall be landscaped and shall include, at a minimum, the installation of one shade tree and three evergreen shrubs or decorative trees and at least one of the following three landscaping or architectural treatments:
  - (1) A front yard raised above the grade of the sidewalk by at least three inches and four flowering or evergreen shrubs.*
  - (2) Two decorative trees, a hedge consisting of at least 20 plants, and 10 flowering or evergreen shrubs or alternatively 20 flowering or evergreen shrubs.*
  - (3) A berm or earth mound averaging 18 inches above the average grade of the rest of the yard and covering 20% of the lot not covered by the dwelling or other structures. The berm or earth mound shall be covered with grass or ground cover and must be planted with at least four decorative trees or evergreen shrubs.**
- B. Standards. The requirements of "landscaping requirements" shall be met prior to issuance of an occupancy permit for any dwellings permitted under this chapter.*

Section 3. Effective date.

This ordinance shall become effective on December 12, 2022.

All members present voting aye. Motion carried 4-0.

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Reverend Duck led the Prayer and Pledge of Allegiance to the Flag of the United States of America.

Mayor's Comments: none

Scheduled Public Appearances:

1. Honorable Janet A. Hix-Appomattox County Circuit Court Clerk administered the oath of office to the Mayor and each council member.  
Mayor Richard Conner-2-year term-January 1, 2023 to December 31, 2024.

Council members Mary Lou Spiggle and Timothy W. Garrett-4-year term-January 1, 2023 to December 31, 2026.

Council members Claudia Puckette, James Boyce, Sr, Jane T. Allen-2-year term-January 1, 2023 to December 31, 2024.

Mr. Nathan Simpson was absent and will appear in Mrs. Hix's office for his oath to be administered.

2. Hailey Fox and Susan Chapman with Brown Edwards appeared before Council to present the FY 2022 Audit Report. The FY 2022 audit received a clear unmodified audit opinion. The FY 2022 audit required another single audit due to the amount of federal funding received. There were no findings or audit issues for the single audit.

Council thanked Ms. Fox and Ms. Chapman for the update/report.

3. Blair Smith with Dominion Seven Architects appeared before Council to provide an update on the bid received for the train depot renovations. Jamerson-Lewis Construction was the only bidder for the project.

Action Item:

On a motion by Ms. Spiggle, seconded by Mrs. Puckette, Council voted to accept the base bid of \$485,500 and alternate #3-standing Seam Copper for \$120,000, making a total of \$605,500 from Jamerson-Lewis Construction for the train depot roofing renovations.

Roll call vote: Boyce-yes, Spiggle-yes, Garrett-yes, Puckette-yes. Motion carried 4-0.

Adoption of the Consent Agenda:

On a motion by Mr. Garrett, seconded by Mrs. Puckette, Council voted to approve the consent agenda for December 12, 2022 as presented. All members present voting aye. Motion carried 4-0.

Unfinished Business: none

New Business

Item #1-action taken immediately following the public hearing.

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On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to amend the Utility Policy for filling of swimming pools, portable tanks, etc. All members present voting aye. Motion carried 4-0.

Mayors Comments

Friday, December 9, 2022 was a grand day in Appomattox as Virginia Metal Fabrication held their grand opening and open house. He expressed his excitement of the regrowth of manufacturing in our community.

He is making it an initiative for Made in America, USA-Made in Hometown, Appomattox. There was a great deal of publicity for the open house event with representatives from the federal, state, Town, Lynchburg Regional Business Alliance, and the Virginia Economic Development Partnership.

Council Standing Committee Reports:

Physical Development Committee-Mr. Garrett reported Council voted to proceed with Depot renovations.

Finance and Planning Committee: none

ARPA: none

Citizen Comment: none

Town Manager's Report:

Mr. McGhee supplied Council with a written manager's report however, he added that Council should wait until a future meeting to decide on whether to move forward with a drug dog for Appomattox County.

Council Comment:

Mrs. Puckette-Congratulated Jane Allen Council member-elect.

Mr. Boyce-Approached by a citizen for the Town to have a conversation with VDOT for a handicap space on Main Street.

There is a pothole on Cawthorne Street near the intersection with Red House Road.

Ms. Spiggle-none

Mr. Garrett-Would like for the Town to consider writing a letter to Centra Health requesting a walk-in clinic in Appomattox. The Appomattox community has a real need for medical services.



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Adjournment:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to adjourn at 7:40 pm. All members present voting aye. Motion carried 4-0.

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Roxanne W. Casto, MMC  
Clerk

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Richard C. Conner  
Mayor