



Appomattox Regular Council Meeting Agenda

Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia 24522

Monday, April 12, 2021

7:00 PM – Regular Council Meeting

(Location: Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia 24522)

Call to Order and Welcome to Visitors

Public Hearing

- [1.](#) The purpose of this hearing is to give notice of the Town of Appomattox's intent to apply for USDA Rural Development funds to assist in the replacement of approximately 6,225 linear feet of 4" water line and 8" water line along Church Street, Confederate Boulevard, Red House Road, and Morris Avenue. Additionally, the Appomattox Town Council will consider a Resolution of Governing Body support for the above-mentioned project. Comments regarding economic and environmental impacts, service area, alternatives to the project issues are encouraged.

Prayer & Pledge of Allegiance to the Flag of the United States of America

Mayor's Comments

- [2.](#) Presentation of Arbor Day Proclamation - April 30, 2021

Scheduled Public Appearances

Louis Scicli - Candidate for the House of Delegates - 59th District

Donnie Simpson, Sheriff, Appomattox County

Rusty Small and Jonathan Garrett - Update on the 4th of July Fireworks

Crissy Sampier, Blended Soul

Adoption of the Consent Agenda - April 12, 2021

All matters listed under consent agenda are considered routine by the council and will be approved or received by one motion in the form listed. Items may be removed from the consent agenda for discussion under the regular agenda upon motion of any council member and duly seconded.

Unfinished Business

New Business

3. Discussion of Viewpoint Project - Mr. Dave Douglas
- [4.](#) Consideration to adopt a Loan Resolution - RUS Bulletin 1780-27 - Church Street Waterline Replacement Project.
- [5.](#) Consideration to adopt Resolution of Governing Body of the Town of Appomattox authorizing the Town Manager to execute agreements for the United States Department of Agriculture (USDA) for the Church Street Waterline Replacement project.
- [6.](#) AN ORDINANCE TO AMEND AND REENACT the Code of the Town of Appomattox, Chapter 126, thereof, entitled Licensing, by amending §126-16 F (3) Operation requirements.
- [7.](#) Consideration to re-enact an Ordinance to Establish Emergency Procedures ending October 13, 2021.

Council Standing Committee Reports

- [8.](#) Letter from Sara Conner - Poultry in Town

Citizen Comment

Town Manager's Report

Council Comment

Adjournment

File Attachments for Item:

1. The purpose of this hearing is to give notice of the Town of Appomattox's intent to apply for USDA Rural Development funds to assist in the replacement of approximately 6,225 linear feet of 4" water line and 8" water line along Church Street, Confederate Boulevard, Red House Road, and Morris Avenue. Additionally, the Appomattox Town Council will consider a Resolution of Governing Body support for the above-mentioned project. Comments regarding economic and environmental impacts, service area, alternatives to the project issues are encouraged.

TOWN OF APPOMATTOX
NOTICE OF INTENT TO APPLY

The Appomattox Town Council will hold a public hearing on Monday, April 12, 2021 at 7:00 p.m. in the Council Chambers of the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia.

The purpose of this hearing is to give notice of the Town of Appomattox's intent to apply for USDA Rural Development funds to assist in the replacement of approximately 6,225 linear feet of 4" water line and 8" water line along Church Street, Confederate Boulevard, Red House Road, and Morris Avenue. Additionally, the Appomattox Town Council will consider a Resolution of Governing Body support for the above-mentioned project. Comments regarding economic and environmental impacts, service area, alternatives to the project issues are encouraged.

All interested citizens of the Town of Appomattox are encouraged to attend should they have comments they would like to present to the Town Council regarding their intent to apply for USDA funding assistance. For additional information please contact Gary L. Shanaberger at 434-352-8268 or gshanaberger@appomattoxva.gov.

File Attachments for Item:

2. Presentation of Arbor Day Proclamation - April 30, 2021

**TOWN OF APPOMATTOX
ARBOR DAY PROCLAMATION**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperate, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fire and countless other wood products, and

WHEREAS, trees increase property values, enhance the economic vitality of business areas, and beautify communities, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Richard C. Conner, Mayor of the Town of Appomattox, do hereby recognize the 30th day of April 2021 (the last Friday in April) as our Annual Arbor Day celebration and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this _____ day of _____

Mayor _____

File Attachments for Item:

4. Consideration to adopt a Loan Resolution - RUS Bulletin 1780-27 - Church Street Waterline Replacement Project.

LOAN RESOLUTION
(Public Bodies)A RESOLUTION OF THE Town CouncilOF THE Appomattox, Town of

AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

Water System

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the Appomattox, Town of

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

pursuant to the provisions of Code of Virginia; and**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established, disbursements from that account(s) may be used when necessary for payments due on the bond if sufficient funds are not otherwise available and prior approval of the Government is obtained. Also, with the prior written approval of the Government, funds may be withdrawn and used for such things as emergency maintenance, extensions to facilities and replacement of short lived assets.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain USDA's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ 0

under the terms offered by the Government; that the Town Manager

and _____ of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee.

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the _____ of the

Appomattox, Town of has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this _____, _____ day of _____

(SEAL)

By _____

Attest:

Title _____

Title _____

CERTIFICATION TO BE EXECUTED AT LOAN CLOSING

I, the undersigned, as _____ of the Appomattox, Town of

hereby certify that the _____ of such Association is composed of

_____ members, of whom , _____ constituting a quorum, were present at a meeting thereof duly called and

held on the _____ day of _____ ; and that the foregoing resolution was adopted at such meeting

by the vote shown above, I further certify that as of _____ ,
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been
rescinded or amended in any way.

Dated, this _____ day of _____

Title _____

File Attachments for Item:

5. Consideration to adopt Resolution of Governing Body of the Town of Appomattox authorizing the Town Manager to execute agreements for the United States Department of Agriculture (USDA) for the Church Street Waterline Replacement project.

RESOLUTION OF GOVERNING BODY OF

The Town of Appomattox

The governing body of The Town of Appomattox consisting of _____ members, in a duly called meeting held on the _____ day of _____, 20____, at which a quorum was present RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government), the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager be authorized to execute on behalf of the Board Members the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

The Town of Appomattox.

Attest:

_____ By _____

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Board Members of The Town of Appomattox in a duly assembled meeting on the _____ day of _____, 20____.

Secretary/Clerk

File Attachments for Item:

6. AN ORDINANCE TO AMEND AND REENACT the Code of the Town of Appomattox, Chapter 126, thereof, entitled Licensing, by amending §126-16 F (3) Operation requirements.

AN ORDINANCE TO AMEND AND REENACT the Code of the Town of Appomattox, Chapter 126, thereof, entitled Licensing, by amending §126-16 F (3) Operation requirements.

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

Section 1. Chapter 126-16 F (3) - Operation requirement, of the Code of the Town of Appomattox is hereby amended to read as follows:

§126-16 – Licensing

F. Operation requirements.

- (3) Two picnic tables with umbrellas with seating capacity of six people per table may be set up for patrons' use. No tents or additional chairs are permitted. *With approval of the Administrator, Mobile Food Units that are owned and operated on private property, when such real property is owned by the mobile food unit operator, may have additional tables, not to exceed 6.*

Section 2. Effective Date.

ENACTED AND ORDAINED THE ____ day of ____, 2021. This ordinance shall become effective _____.

File Attachments for Item:

7. Consideration to re-enact an Ordinance to Establish Emergency Procedures ending October 13, 2021.

AN ORDINANCE TO *RE-ENACT* THE ESTABLISHMENT OF 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; September 14, 2020 and *April 12, 2021*, 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,

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.

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, 2021*, whichever is earlier.

This ordinance shall take effect immediately upon its adoption.

Adopted: _____

Mayor

Attest: _____
Clerk

File Attachments for Item:

8. Letter from Sara Conner - Poultry in Town

03/15/2021

The Honorable Mayor, Richard Conner, and Councilmembers
Town Council of Appomattox
210 Linden St, Appomattox, VA
24522

TOWN OF APPOMATTOX

MAR 19 2021

RECEIVED

Dear Mayor and Councilmen,

My name is Sara Conner and I am a student at Appomattox County High School. I am writing to you today to discuss an issue that has great importance to me: poultry in the town, more specifically, chickens in the town. I personally believe chickens would be a benefit to the Town of Appomattox.

Urban areas like Lynchburg, Richmond, Norfolk, and Staunton all allow ordinances to allow poultry within their corporate limits, with restrictions on the number of hens and size of the coop. Chickens not only provide fresh eggs, but can also help with the soil by fertilizing the ground. They also make great pets and they also help clean yards. While some may argue that raising chickens is hard work and are loud, these arguments are weak because chickens don't require as much work as you would with livestock, such as cows or pigs, and hens aren't loud enough to be considered a nuisance, whereas roosters would be.

So councilmembers, please consider adding this issue to your agenda for the next regular session on April 12th, 2021. Not only would this change the town, but with the proper government, this could be a great change for the town moving forward.

Thank you for your time and consideration.

Sincerely,

Sara Conner