



Appomattox Regular Council Meeting Agenda

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

Monday, May 11, 2020

7:30 PM – Regular Council Meeting

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

Call to Order and Welcome to Visitors

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

Mayor's Comments

Scheduled Public Appearances

Adoption of the Consent Agenda - May 11, 2020

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.

1. Approval of meeting minutes:

March 9, 2020 Minutes

April 13, 2020 Minutes

April 28, 2020 Minutes

Unfinished Business

New Business

2. Consideration to adopt a budget amendment

3. Consideration to advertise a public hearing for the FY 2021 Budget for the Town of Appomattox

Council Standing Committee Reports

Citizen Comment

Town Manager's Report

Council Comments

Adjournment

Item Attachment Documents:

1. Approval of meeting minutes:

March 9, 2020 Minutes

April 13, 2020 Minutes

April 28, 2020 Minutes

1 | **Appomattox Town Council**
Regular Council Meeting
March 9, 2020

The Appomattox Town Council held a Regular Council meeting on Monday, March 9, 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, Steven T. Conner and Claudia G. Puckette.

Staff present were Facilities Director, Jeff Elder; Town Manager, Gary Shanaberger; Town Treasurer, Kim Ray; and Clerk of Council, Roxanne Casto.

Others present were Robin Snyder, Daniel Puckette, Nathan Simpson, Richard Conner and Carlton Duck.

Mayor Harvey called the meeting to order.

Rev. Carlton Duck, Pastor of the Gethsemane Baptist Church gave the invocation, and led the Pledge of Allegiance to the Flag of the United States of America.

Mayor's Comments:

The Appomattox Railroad Festival Scholarship Committee will host a Brunswick Stew on Saturday, March 21, 2020 beginning at 8:00 a.m. at 569-A Court Street, Appomattox, Virginia. Pre-orders are available by calling 434-352-9525. Cost is \$8.00 per quart.

Scheduled Public Appearances:

Robin Snyder, Superintendent, Appomattox Court House National Historical Park appeared before Council to provide updates at the park. She also thanked Council for their consistent commitment to the FLAP (Federal Lands Access Program) project. Although the project was not successful, she is hopeful the application can be resubmitted some time in the future. She explained trail system improvements and special events planned over the next several months at the park.

Ms. Snyder has been serving as the Superintendent at the Booker T. Washington National Park in addition to the Appomattox Court House National Historical Park since June 1, 2019. The Appomattox Court House National Historical Park will be addressing accessibility issues from the parking lot to the McLean House. Boundary adjustment are planned by the Civil War Preservation Trust & Battlefield Protection Trust.

The National Park Service will be replacing the sewer force main and pump station in the next 18 months. The National Park Service will be paying for the replacement. In the future, the utility service agreement will need to be revised.

Mr. Conner thanked Ms. Snyder for all she is doing at the park.

2 | **Appomattox Town Council**
Regular Council Meeting
March 9, 2020

Consent Agenda:

On a motion by Mr. Boyce, seconded by Ms. Spiggle, Council voted to adopt the consent agenda for Monday, March 9, 2020 as presented. All members present voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

On a motion by Mr. Jonathan Garrett, seconded by Mr. Conner, Council voted to adopt the following resolution:

RESOLUTION

A RESOLUTION REQUESTING THE ROUTE F1013 BE ABANDONDED FROM THE STATE SYSTEM OF PRIMARY ROADS

Whereas, PURSUANT TO Section 33.2-902 Code of Virginia, the Commissioner of the Virginia Department of Transportation has provided this Board with its notice to abandon from the primary System of State Highways a 0.02 mile section of Route F1013 located in the Courthouse voting district, as described on the attached form, fully incorporated by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Appomattox County, and

WHEREAS, the Resident Administrator for the Virginia Department of Transportation has advised the council that the abandonment of F1013 only serves one property owner, and is a portion of Right -Of-Way in the State System of Primary Roads and

WHEREAS, the Council opened up at least Thirty (30) day period of review on **January 29, 2020** for the public to determine if a public necessity exists, and

NOW, THEREFORE, BE IT RESOLVED, this Council supports Virginia Department of Transportation proving no public necessity exists to abandon F-1013, and

NOW, THEREFORE, BE IT RESOLVED, that this Council supports Virginia Department of Transportation's action to abandon from the Primary System of the State Highways F-1013 pursuant to section 33.2-902 of the Code of Virginia, and

BE IT FURTHER RESOLVED that a certified copied of the resolution be forwarded to the Resident Administration for the Virginia Department of Transportation.

The Vote was: Aye: J. Garrett, J. Boyce, M. Spiggle, T. Garrett, S. Conner and C. Puckette.

Nay: none

Motion carried 6-0.

Standing Committee Reports:

None

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Citizen Comment Period:

None

Town Manager's Report:

Mr. Shanaberger reported on the following activities:

- On March 3, 2020, he met with the Virginia Department of Transportation (VDOT) to discuss the possibility of a Smart Scale project for the Lee Grant Avenue street improvements. Mr. Shanaberger explained the application process for the Smart Scale program.

Mr. Shanaberger requested Council consider appropriating \$5,000 for Hurt & Proffitt, Inc. to assist with application from the General Fund Engineering budget.

On a motion by Mr. Conner, seconded by Mrs. Puckette, Council voted to put a \$1,000,000 to a potential Smart Scale project to be funded over four (4) years into a designated fund (\$250,000 per year and also designate \$5,000 for Hurt & Proffitt, Inc. to help with the application process. All members present voting aye. Motion carried 6-0.

Mayor Harvey left the meeting at 8:10 p.m. Vice-Mayor, Timothy Garrett, presiding.

- US Cellular applied for a zoning permit and allow a cell tower on the Thomasville property and will be performing a balloon test on March 21, 2020 with an alternate weather date of March 22, 2020. The zoning matter will require a joint public hearing of the Town Council and Planning Commission, tentatively scheduled for Tuesday, April 28, 2020.
- Matt Perkins with the Central Virginia Planning District Commission continues to look for a project with the remaining CDBG Greater Meadowlark project funding.
- Mr. Shanaberger, Sheriff Simpson, Rev. Small and Mr. Jonathan Garrett met to discuss the July 3rd festivities.
- The Appomattox Town Planning Commission met on March 3, 2020 to review the comprehensive plan. The changes and updates from the retreat have been incorporated.
- The Town Economic Development Authority met on March 10, 2020.
- The Façade Advisory Board and the Project Management Team for the Appomattox Downtown Revitalization project met on March 11, 2020.

Council Concerns:

Mr. Jonathan Garrett met with Sheriff Simpson and Major Richardson this evening and they had a made a request to the County Board of Supervisors for raises for the law enforcement officers. There is a chance that the state may come through and fund an increase for them, but I would like to see the Town match whatever the County does for the two (2) Town positions. It would be \$4,340 for each position. It is contingent upon the state not following through and the County funding the request.

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Mrs. Puckette agreed with Mr. Jonathan Garrett.

Mr. Jonathan Garrett – The Appomattox Sheriff’s Office would be competitive with adjoining localities.

Mr. Timothy Garrett will get with Gary and Jeff regarding some neglected cemeteries. He would like for the Town to go out and revitalize these cemeteries and get money donated to put fences up around them. One is in the middle of town and the other one is near the bypass.

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.

Roxanne W. Casto
Clerk of Council

Paul D. Harvey, Mayor

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.

Paul D. Harvey, Mayor

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.

Roxanne W. Casto
Clerk of Council

Paul D. Harvey, Mayor

1 | **Appomattox Town Council**
Workshop Meeting
April 28, 2020

The Appomattox Town Council held a Workshop meeting on Tuesday, April 28, 2020 at 6:00 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, Steven T. Conner and Claudia G. Puckette (via phone).

Staff present were Facilities Director, Jeff Elder (via phone); Town Manager, Gary Shanaberger; Town Treasurer, Kim Ray; and Town Clerk, Roxanne Casto.

The meeting was also broadcast LIVE on the Town of Appomattox Facebook page and allowed public phone participation through FreeConferenceCall.com.

Mayor Harvey called the meeting to order.

Mayor Harvey called for the non-profit organizations for donations/contributions for FY 2021 to make their presentations. Mr. Redding and Mr. Jones made their presentations via a phone conference call.

Appomattox County Chamber of Commerce

Mr. John Redding, President, Appomattox County Chamber of Commerce presented a proposal to join the efforts of the Visitors Center and the Chamber of Commerce. Minimal space is requested in the Visitor's Center for required Chamber specific functions. The outlined benefits to the Town would be the presence of the Chamber Administrator within the Visitor's Center which could result in a reduction of Visitor's Center payroll, extended hours of operation or to just provide the convenience of having an available fill-in receptionist during the prime tourist season. The benefits to the Chamber include the hours the Visitor's Center is operational is beyond what the Chamber currently offers, therefore a personal touch is added to those attempting to contact the Chamber. The elimination of the current Chamber office, office maintenance expenses would be reduced, freeing up more resources for Chamber services within the community. Consolidating the repository of pamphlets and community information would be beneficial. The location of the established visitor's center would aid in the presence of the Chamber to the community.

Mr. Timothy Garrett inquired if the space Mr. Simpson had been using would be adequate? Mr. Redding seemed to think that would be enough.

Experience Appomattox

Mr. Don Jones, Chairman, Experience Appomattox committee presented a request for \$8,000 of funding for FY 2021 to continue with campaigning for Experience Appomattox activities. Council thanked Mr. Jones for sharing the success of these events.

2 | **Appomattox Town Council**
Workshop Meeting
April 28, 2020

On a motion by Mr. Jonathan Garrett, seconded by Mr. Timothy Garrett, Council voted to amend the law enforcement agreement to reflect approval of continuing to fund the stipend to the Appomattox County Sheriff, effective with his term beginning January 1, 2020. All members voting aye. Motion carried 6-0.

FY 2021 Budget Discussions:

The Appomattox Town Council discussed the upcoming fiscal year 2021 budget cycle, capital improvement plan, special projects and employee cost of living increases.

Council concurred with including the following items in the FY 2021 budget:

- \$8,000 for Experience Appomattox
- An MOU agreement with the Appomattox County Chamber of Commerce for office space at the visitor's center on Main Street.
- \$10,00 for the annual Appomattox Railroad Festival
- \$240,000 for the Appomattox Volunteer Fire Department for truck replacement.

Mrs. Ray will make the changes discussed and present the proposed FY 2021 budget.

On a motion by Mr. Timothy Garrett, seconded by Mr. Steve Conner, Council voted to ratify reduction of the utility rates by 25% for the April and May 2020 billing periods. All members voting aye. Motion carried 6-0.

Staff Reports:

Kim Ray, Town Treasurer presented the Treasurer's Report for March 2020.

Roxanne Casto, Clerk – none

Jeff Elder, Facilities Director – none

Gary Shanaberger, Town Manager reported that he is expecting to hear from USDA on the sewer rehabilitation project any day. The July 3 Fireworks event will be planned for only fireworks due to COVID-19.

Council Comments:

Mr. Jonathan Garrett thanked the EMS, Dispatchers, and Law Enforcement providers during the COVID-19 pandemic.

Mr. Boyce commented that the curbside trash service is awful.

Mr. Timothy Garrett thanked Town Staff.

3 | **Appomattox Town Council**
Workshop Meeting
April 28, 2020

Adjournment:

On a motion by Mr. Jonathan Garrett, seconded by Mr. Timothy Garrett, Council voted to adjourn at 7:25 p.m. All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Paul D. Harvey, Mayor

Item Attachment Documents:

2. Consideration to adopt a budget amendment

1. Consideration to adopt a resolution amending the FY 2020 Operating Budget for the General Fund for the Settlement of BB&T Bank Stock Taxes paid to the Town of Appomattox from 2012 through 2014.
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 2020 Operating Budget for the General Fund.

General Fund Expenditures

BB&T Settlement Agreement \$ 12,503.00

Net Increase in Budget \$ 12,503.00

General Fund Revenues

Use of Undesignated Reserve \$ 12,503.00

Net Increase in Budget \$ 12,503.00

SECTION XIII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year 2020 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 _____ 2020.

Attest:

Roxanne Casto, Town Clerk