



Appomattox Regular Council Meeting Agenda

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

Monday, May 10, 2021

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 10, 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.

- [1.](#) Approval of minutes

Unfinished Business

New Business

- [2.](#) Consideration to declare surplus equipment.

Council Standing Committee Reports

Citizen Comment

Town Manager's Report

Council Comment

Adjournment

File Attachments for Item:

1. Approval of minutes

1 | **Appomattox Town Council**
Regular Council Meeting
March 8, 2021

The Appomattox Town Council held a Regular Council meeting on Monday, March 8, 2021 at 7:00 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

Council members present – Aaron Tilton, Nathan A. Simpson, Mary Lou Spiggle, Timothy W. Garrett, Claudia G. Puckette (phone) and James J. Boyce.

Others present – Carlton Duck, Alive Media TV; Michelle Murch, Times Virginian Newspaper; Robin Snyder, Superintendent, National Park Service; Alan and Laura Briceland, Talia Clusman, Jeff Elder, Facilities Director; 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 and public phone participation through FreeConferenceCall.com was available.

Mayor Conner called the meeting to order.

Public Hearing

Mayor Conner opened the public hearing and stated the following purpose for the public hearing: To receive public comments concerning the following:

1. **Amendment to the FY 2021 Budget for the Town of Appomattox** - In accordance with §15.2-2506 Code of Virginia, the following is a brief synopsis of the budget amendment by the Town of Appomattox for FY 2021:

Water Fund Expenditures Amendments	1,450.29
Sewer Fund Expenditures Amendments	7,055,433.57
Total Expenditures Amendments	7,056,883.86
Water Fund Revenue Amendments	1,450.29
Sewer Fund Revenue Amendments	7,055,433.57
Total Revenue Amendments	7,056,883.86

Documentation is available at the Town Office on Linden Street from 8:30 a.m. until 4:30 p.m., Monday through Friday. If there are any questions, please contact Gary Shanaberger, Town Manager at 434-352-8268.

Staff Comments: Mrs. Ray, Town Treasurer explained the purpose of the budget amendments.

There were no public comments.

Mayor Conner closed the public hearing.

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.

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Mayor's Comments:

None

Scheduled Public Appearances:

Robin Snyder, Superintendent, National Park Service appeared before Council to provide an update on the recent concerns of the wastewater problems at the National Park Service. The National Park Service has provided full funding to repair the sewer line. The construction is expected to be complete in November 2021. Robin Snyder thanked Jeff Elder, Facilities Director; Gary Shanaberger, Town Manager and the Town Council for their patience with the National Park Service.

Adoption of the Consent Agenda:

On a motion by Mr. Garrett, seconded by Ms. Spiggle, Council voted to approve the consent agenda for March 8, 2021 as presented. All members voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

On a motion by Ms. Spiggle, seconded by Mr. Garrett, Council voted to adopt An Appropriations Resolution of the Appomattox Town Council Adopting an Amendment to the Fiscal Year 2020-2021 Budget for the Town of Appomattox, Virginia:

**AN APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL
ADOPTING AN AMENDMENT TO THE FISCAL YEAR 2020-2021 BUDGET FOR THE
TOWN OF APPOMATTOX, VA.**

SECTION I:

WHEREAS, that the Appomattox Town Council may amend the Fiscal Year 2020-2021 Town Budget from time to time pursuant to Section 15.2-2507, Code of Virginia; and,

SECTION II:

WHEREAS, the proposed amendment for the Fiscal Year 2020-2021 Budget was published on February 24, 2021 in the *Times-Virginian*, Appomattox, Virginia, pursuant to Section 15.2-2507, Code of Virginia, and public hearing was subsequently held on the proposed budget on Monday, March 8, 2021;

SECTION III:

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox Town Council meeting in a Regular Council Meeting on March 8, 2021, that the Appomattox Town Council does hereby approve the following Amendment to the Water Fund Expenditures for Fiscal Year 2020-2021;

WATER FUND; EXPENDITURES BY CATEGORY:

Water Department – DHCD Utility Grant - Water	1,450.29
TOTAL WATER EXPENDITURES	1,450.29

SECTION IV:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Water Fund Revenue estimates for Fiscal Year 2020-2021;

WATER FUND; REVENUES BY CATEGORY:

DHCD Utility Grant – Water	1,450.29
TOTAL WATER REVENUES	1,450.29

SECTION V:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Sewer Fund Expenditures for Fiscal Year 2020-2021;

SEWER FUND; EXPENDITURES BY CATEGORY:

Sewer Department	7,055,433.57
TOTAL SEWER EXPENDITURES	7,055,433.57

SECTION VI:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Amendment to the Sewer Fund Revenue estimates for the Fiscal Year 2020-2021;

SEWER FUND; REVENUES BY CATEGORY:

USDA Proceeds	7,052,813.67
DHCD Utility Grant – Sewer	2,619.90
TOTAL SEWER REVENUES	7,055,433.57

SECTION VII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Amendments to the Fiscal Year Budget for 2020-2021 is hereby adopted, effective March 8, 2021 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.

Adopted this ____ day of March, 2021.

Attest:

Roxanne W. Casto, Town Clerk

Richard C. Conner, Mayor

All members voting aye. Motion carried 6-0.

On a motion by Mr. Simpson, seconded by Mr. Garrett, Council voted to accept the Request for Proposal from Davenport & Company for the General Fund Financial Review and Capital Funding Strategies. All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

The Finance & Planning and Physical Development Committees met today to begin working on the FY 2022 Budget for the Town of Appomattox.

Citizens Comment Period:

Talia Clusman, the Babcock House spoke in favor of Iceland's, an industry peer being allowed to have the requested six (6) picnic tables. Stating she believes a business owner should be able to determine what is safe and appropriate for their guests. I believe their success and growth can not only benefit the Town through revenue but offering a much-needed variety to our business landscape, not to mention their own personal success. I hope to see them grow this season and, in the years to come, and I hope you will wisely consider their request.

Alan Briceland – My wife, Laura and I own Iceland's. As you know last year was our first season and I think it went really good. We rented space from the Wilbun's last year. In October 2020, we purchased a lot from Dr. Smith on Old Courthouse Road. It is approximately 2.5 acres. In the Town you are only allowed 2 picnic tables per food truck/trailer. We have requested a total of 6. Our parking lot is approximately 150' x 150' which gives more than ample space for tables, in the grass. I know this was brought up as a safety issue. Last year at the Wilbun's parking lot we had kids in the parking lot with traffic, so in our opinion it is safer for them to be behind the picnic tables out of traffic. If children are sitting down, it is much easier to control them than if they are running around. Our plan is to build, but we are the epitome of small business. It is just my wife and I, but it is going to take some time. There are advantages to brick-and-mortar businesses and there are advantages to our type of business. We have had a lot of people, like the Babcock House reach out to us, other food trucks, 11-12,000 Facebook views to their post and overwhelming support. The other concern I recall is what are other food trucks in neighboring communities doing? We have become friends and acquaintances with a lot of them. To our knowledge there is only one other food truck that owns their own lot and they have a ton of tables. I do not believe Lynchburg or Bedford have a table allowance for people. To my knowledge Appomattox is the only locality like this. Is there a date when a decision is going to be made because we are planning to open on Friday, March 12, 2021?

Mr. Shanaberger responded to Council that he has had no chance to look into this.

Mr. Tilton – What is the process to make this happen?

Mr. Shanaberger – I can do research on this, but I will have to put what I think is more important off to the side. I don't want to hold anyone up - so 2 weeks to a month to do respectable research.

Mr. Briceland – Not to step on any toes here but we approached you (Gary) in October when we purchased the property. Knowing this was going to take some time and here we are – ready to open – and this still isn't resolved. I know government moves slower and commercial stuff is new to us.

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Mr. Tilton – Is this a code requirement change – is a public hearing necessary? Can we take action today if we wanted to? What is the process?

Mr. Shanaberger – You would want this in writing so it would have to be presented, the language and you would definitely want the attorney to review it. There is process to it.

Mrs. Briceland – Can we just get an exception? We have only been asking for six (6) months. We are investing in the Town and we are asking for support for 6 picnic tables. More jobs, more food taxes, more revenue and honestly, we are just looking for that support back. Honestly, we are the only ones who own our property nearly 2.25 acres. We've looked at the safety. We are completely insured. Iceland's is insured.

Mr. Tilton – They made the point that we are the only locality in the area that has a limit – would it be viable to remove the restriction to allow them to move forward and then we (Council) can revisit after we have had some time to put together some language? Just strike that line from the code?

Mr. Simpson – I think anything is possible but I think it is important to do your homework.

Mr. Simpson – Thank you for coming to our meeting. Like I said at our last meeting, we need input from our businesses because it is a fork in the road. If we move one direction or the other, it is difficult to come back from that. I think we just need some time to evaluate what direction the community wants to go forward with and to hear from more people and we don't want to inhibit entrepreneurship. I personally love your story. I want to see you succeed. But I don't think it would be appropriate for us to act on anything tonight. I think we need to give Gary an opportunity to explore what other localities are doing, just learn more about the situation. I am attempting to do research and I encourage everyone to do the same and then meet back on this topic to create a conclusion.

Mrs. Briceland – I feel like we have reached a majority of the people in the Appomattox Community through social media and received nothing but positive comments.

Talia Clusman – My question would be – if they came to the Town back in October, why has it taken so long? You say it takes time, but you've had a lot of time.

Mayor Conner – Did you address us in October about your request?

Mr. Briceland – In October when we purchased the property we walked over here (Town Office) and met with Mr. Shanaberger and asked what do we need to do to get an exception, we own our property and have ample room.

Mrs. Briceland – If I recall, while we were meeting with Gary, you (Mayor) came in.

Mr. Simpson – I appreciate all of you being here, what is the procedure for back-and-forth discussion format for this meeting? Is it to hear from businesses and citizens and then

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deliberate? I don't know the appropriateness of back-and-forth dialogue at a meeting. I have been seen it happen before.

Mr. Briceland – Frustration over the length of time.

Mayor Conner – This issue was brought to Council recently. I understand your concern on that, we could possibly make a decision by the second Monday meeting in April. We are sorry for the delay and appreciate your comments for tonight. We will try to get this resolved by the second Monday in April.

Town Manager Updates –

Mr. Shanaberger – The USDA application for the Church Street Waterline Replacement project is still in process. The Town Charter amendment was passed by the Virginia Senate and House of Delegates. It is awaiting a signature by the Governor of Virginia. The Request for Proposals for Design of Branding and Marketing Materials should be ready for advertising in the next 10 days. Lastly, the sewer work on Morton Lane should be complete within the next week or two.

Council Comments –

Mrs. Puckette – none

Mr. Tilton – Thanked Robin Snyder, Jeff Elder and Gary Shanaberger for the progress report on the sewer project at the National Park Service. He also thanked the Briceland's and the Babcock House for requesting to expand the seating/picnic tables for mobile food establishments.

Mr. Simpson – none

Ms. Spiggle – none

Mr. Boyce – read Proverbs 29:18 – Challenges other Council members and himself to find the vision.

Mr. Garrett – agreed with Mr. Boyce on moving forward.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn the meeting. All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor

1 | **Appomattox Town Council
Workshop Meeting
March 23, 2021**

The Appomattox Town Council held a Workshop meeting on Tuesday, March 23, 2021 at 6:00 p.m. at the Appomattox Municipal Building, Council Chambers, 210 Linden Street, Appomattox, Virginia with Vice-Mayor Garrett, presiding.

Town Council present: Aaron Tilton, Nathan A. Simpson, Timothy W. Garrett, James J. Boyce, Sr., Mary Lou Spiggle and Claudia G. Puckette (phone).

Others present: Carlton Duck, Alive Media TV; Alan Briceland, Laura Briceland, Crissy Sampier, Matthew Sampier, Charles Clusman, Talia Clusman, Noel Henderson, Katharine Bloodworth, Bobbie Jean Mullins, Jeffrey Westbrook, Times Virginian Newspaper; Christy Torrence, Office Manager; Jeff Elder, Facilities Director; Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne Casto, Clerk

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

Vice-Mayor Garrett called to order the Council Workshop meeting.

Presentations of Requests for Community Agency funding for FY 2022:

1. Experience Appomattox – Don Jones appeared on behalf of the Appomattox Tourism Committee requesting funding for Experience Appomattox for FY 2022 in the amount of \$8,000.
2. Appomattox County Chamber of Commerce – John Redding appeared to request funding in the amount of \$3,000 for FY 2022.
3. Appomattox Railroad Festival – Noel Henderson appeared to request funding for FY 2022 in the amount of \$10,000 plus additional funding if the Town sees appropriate since the Railroad Festival was not held in 2020. The committee stressed a real need for volunteers.

The Appomattox Town Council thanked each organization for their request.

Consideration of Write-Offs:

There was a lengthy discussion of the miscellaneous accounts receivable for past due meals tax.

On a motion by Mr. Simpson, seconded by Mr. Boyce, Council voted to write off the 2015 Personal Property taxes - \$4,226.76; 2000 Real Estate taxes - \$736.55 and 2017 Water and Sewer Invoices - \$6,757.05 which have exceeded the statute of limitations for collections. All members present voting aye. Motion carried 6-0.

FY 2022 Budget Discussions:

The handout remains the same as the last budget meeting. There are no changes to the Capital Improvement Plan. Located in the large packet (handout) includes \$650,000 for the Church Street waterline replacement project funding by the Department of Housing and Community Development and \$10,000 for the Central Virginia Planning District Commission to perform grant services for the project.

Agenda items 4 & 5 were moved to Council Comments.

Mr. Simpson requested the above-mentioned items:

Food Trucks – Picnic Tables:

It was the consensus of Council to add to the agenda on April 12, 2021, language to allow 6 picnic tables to the ordinance if the food truck owner also owns the same property.

Out of Town Water Rates:

Mr. Simpson requested the Utility Director (Elder) to speak with Hurt and Proffitt to start determining the appropriate out of town water rates before the next workshop meeting. Mr. Shanaberger advised that the rate study review and breakeven analysis will be ready in approximately 2 weeks. The consensus of Council was to add this item to the scope of services for Hurt & Proffitt.

Mrs. Puckette – none

Ms. Spiggle – none

Mr. T. Garrett – none

Mr. Tilton – none

Mr. Boyce – none

Council Standing Committee Reports:

The Physical Development Committee reported it met earlier today to approve a request for a utility payment plan for a customer.

Staff Reports:

Mrs. Kim Ray, Treasurer provided the Treasurer's Report for revenues and expenditures though February 2021.

Mr. Shanaberger provided an update on the following items:

- Town Charter – Governor Northam signed the Town's request for a Charter change. A step-by-step timeline was provided to Council.
- At this moment, the Town is expected to receive approximately 1.6 million in funding from the American Rescue Plan. The first payment of funding will be specifically for COVID related items. The second payment can be used for infrastructure improvements.
- Staff participated in a conference call with Davenport. They will be attending the April 12th meeting to meet Council and review the scope of services.
- Rob Wilson, USDA had a few more questions regarding the Church Street Waterline application.
- Hurt & Proffitt will be preparing the rate study and breakeven analysis.

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Mr. Boyce inquired if any progress had been made to get a joint meeting with the Appomattox County Board of Supervisors set up?

Mr. Shanaberger responded that would be a question for the Mayor.

Mr. Simpson responded that the County has received the Town's letter.

Adjournment:

On a motion by Mr. Boyce, seconded by Ms. Spiggle, Council voted to adjourn at 7:30 p.m. All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Timothy W. Garrett, Vice-Mayor

1 | **Appomattox Town Council**
Regular Council Meeting
April 12, 2021

The Appomattox Town Council held a Regular Council meeting on Monday, April 12, 2021 at 7:00 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Richard Conner, presiding.

Council members present – Aaron Tilton, Nathan A. Simpson, Mary Lou Spiggle, Timothy W. Garrett, Claudia G. Puckette and James J. Boyce.

Others present – Carlton Duck, Alive Media TV; Robin Snyder, Superintendent, National Park Service; Alan and Laura Briceland, Charles and Talia Clusman, George Huffman, Matt Sampier, Crissy Sampier, Louis Scicli, Donnie Simpson, Jonathan Garrett, Sarah Conner, JT Conner, Sharon Conner, Jeff Elder, Facilities Director; 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 and public phone participation through FreeConferenceCall.com was available.

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

Public Hearing

Mayor Conner opened the public hearing by reading the purpose:

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.

There were no public comments.

Mayor Conner closed the public hearing.

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.

Mayor's Comments:

Mayor Conner took a moment to remember his father Thomas Conner as his birthday would have been April 15th. Mr. Conner served on the Appomattox Town Council as did the Mayor's brother, Steve Conner.

Mayor Conner also read the following Arbor Day Proclamation:

**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 _____

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Scheduled Public Appearances:

Louis Scicli, candidate for the House of Delegates, 59th District, appeared before Council to introduce himself and his candidacy.

Honorable Donald Simpson, Sheriff, Appomattox County appeared before Council to provide a quarterly update of the activities of the Sheriff's Office.

Jonathan Garrett appeared before Council to provide an update on the 4th of July fireworks (July 3rd) activities. Along with the support of Liberty Baptist Church, a touch-a-truck event with mobile food vendors in being planned on the park property owned by Liberty Baptist Church on Lee Grant Avenue near the Town's Kiddie Park. Mr. Garrett requested consideration of the Town to waive the Mobile Food Truck fee for the non-profit event.

Crissy Sampier, owner of Blended Soul appeared before Council to request revisiting the Town Code section in general for Food Truck establishments.

Adoption of the Consent Agenda:

On a motion by Mr. Simpson, seconded by Ms. Spiggle, Council voted to approve the consent agenda for April 12, 2021 as presented. All members voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

Mr. Dave Douglas, Viewpoint Project called into the meeting to provide a brief presentation to the Council regarding the potential filming of a segment on Appomattox for public TV at a cost of approximately \$27,900. After a brief exchange of dialogue, the Council directed Mr. Douglas to contact Experience Appomattox for possible involvement in the project.

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On a motion by Mrs. Puckette, seconded by Ms. Spiggle, Council voted to approve a Loan Resolution – RUS Bulletin 1780-27 Church Street Waterline Replacement project:

RUS BULLETIN 1780-27

APPROVED
OMB No. 0572-0121

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE Town Council

OF 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

One million six hundred fifty thousand dollars

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.

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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 \$ 1,650,000

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 _____

All members presenting voting aye. Motion carried 6-0.

6 | **Appomattox Town Council**
Regular Council Meeting
April 12, 2021

On a motion by Mrs. Puckette, seconded by Mr. Tilton, Council voted to adopt a 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

All members present voting aye. Motion carried 6-0.

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adopt 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 _____.

All members present voting aye. Motion carried 6-0.

On a motion by Mr. Garrett, seconded by Mrs. Puckette, Council voted 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

All members present voting aye. Motion carried 6-0.

Council Standing Committee Reports:

Council received a letter from Sara Conner for consideration/discussion of an ordinance to allow chickens in Town. Council provided consensus to add this item to the April 27, 2021 Workshop Agenda for discussion.

Mr. Boyce thanked Miss Conner for coming out tonight.

Ms. Spiggle reported that the Physical Development Committee and Finance & Planning Committee of the Town Council met jointly today to continue the FY 2022 Budget discussions.

On a recommendation by Ms. Spiggle, Council voted to approve an increase in funding for Rev. Duck, Alive Media TV from \$575.00 per month to \$750.00 per month beginning with the FY 2022 budget.

All members present voting aye. Motion carried 6-0.

Citizens Comment Period:

Laura Briceland, Iceland's – Thank you for allowing/approving additional picnic tables for Mobile Food Establishments. The fireworks on July 3rd, 2020 was a significant day for us. She would like for council to consider small businesses and not waive the food truck fees for the one-day event.

Crissy Sampier – Inquired about food truck vendors for the Railroad Festival as she has applied but has not heard back from anyone. Council directed Ms. Sampier to the Railroad Festival Board of Directors, as the Town only provides a yearly donation to the event.

Town Manager Updates –

Mr. Shanaberger provided an update on the following activities:

- Appomattox Downtown Revitalization project continues and he is hopeful to have everyone under contract within the next 30-60 days. The branding and marketing request for proposals (RFP) are due April 13, 2021.
- United States (US) Cellular will begin construction on the cell tower in May-June 2021. The cell tower will be located on Founders Lane.

Council Comments –

Mrs. Puckette has a list but would like to yield until the financial analyst is complete. She would like to put \$1,000,000 from savings to the depot repairs. She thanked the Public Works department for the gutter repairs. There is a lot of rot on the back side of the depot.

Mr. Tilton – Thanked everyone who came out today. Citizen input and participation is how you get things done. Keep bringing all your friends and family.

Ms. Spiggle – Agreed with Mr. Tilton. In Lynchburg, the Small Business Alliance, is a group that businesses belong to and the SBA goes to City Council with business concerns. She also agrees with Mrs. Puckette. She is on the committee for the downtown project and the depot needs our attention. It is sturdy and sound but it needs to be work on.

Mr. Boyce – none

Mr. Garrett – none

Mr. Simpson – Agrees with Ms. Spiggle and Mrs. Puckette about the depot. Fast forward, the video front, could we send this item to the Appomattox Tourism Committee? Next, the Courtland Festival Park was recently stone slurred on the walking path. Lastly, can the Town plant a tree in honor of Arbor Day?

11 | **Appomattox Town Council**
Regular Council Meeting
April 12, 2021

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn the meeting at 9:20 p.m. All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor

1 | **Appomattox Town Council
Workshop Meeting
April 27, 2021**

The Appomattox Town Council held a Workshop meeting on Tuesday, April 27, 2021 at 6:00 p.m. at the Appomattox Municipal Building, Council Chambers, 210 Linden Street, Appomattox, Virginia with Mayor Conner, presiding.

Town Council present: Aaron Tilton, Nathan A. Simpson, Timothy W. Garrett, James J. Boyce, Sr., Mary Lou Spiggle and Claudia G. Puckette.

Others present: Sara Conner, Carlton Duck, Alive Media TV; Michelle Murch, Times Virginian Newspaper; Jeff Elder, Facilities Director; Gary Shanaberger, Town Manager; Kim Ray, Treasurer; and Roxanne Casto, Clerk

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

Mayor Conner called to order the Council Workshop meeting.

Out of Town Water Connection Request:

Mr. Garrett made a motion to approve the out-of-town water request for 148 Snapps Mill Road, Spout Spring, Virginia, Mr. Simpson seconded the motion.

After some discussion, Mr. Simpson made a motion to amend the previous motion to accept an email from Mr. Calvin Mitchell on April 13th and approve the ¾' water tap, and the application will fill the administrative need. Ms. Spiggle seconded the amended motion. All members voting aye on the amended motion. Motion carried 6-0.

All members voting aye on the main (original) motion. Motion carried 6-0.

Continued discussion of the FY 2022 Budget:

Council provided consensus for the Town Treasurer to move forward with advertising a public hearing for the proposed FY 2022 Budget for the Town of Appomattox.

Discussion of Poultry (Chicken) Ordinance:

Council provided consensus for the Town Clerk to move forward with advertising a public hearing for Chapter 117 and 195 of the Town Code.

Closed Session:

On a motion by Mr. Tilton, seconded by Mr. Boyce, Council voted to convene in Closed Session, pursuant to Section 2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of performance of a specific public employee of any public body, specifically Employee A.

Vote: Boyce – yes, Garrett – yes, Puckette – yes, Simpson – yes, Spiggle – yes, Tilton – yes.
Motion carried 6-0.

The meeting was re-opened to the public.

Council Member Tilton made the following motion:

WHEREAS, the Council of the Town of Appomattox has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Appomattox Town Council hereby certifies that to the best of each members knowledge: (1) Only public business matters lawfully exempted from open meetings requirements by Virginia law were discussed in the closed meeting to which this certificate resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by this council.

The motion was seconded by Council Member Spiggle and Council by the following recorded vote adopted the motion:

Vote: Boyce – yes, Garrett – yes, Puckette – yes, Simpson – yes, Spiggle – yes, Tilton – yes.
Motion carried 6-0.

Council Comments:

Mrs. Puckette – none

Ms. Spiggle – none

Mr. T. Garrett reminded Council that the Appomattox County High School Raider football team will play Stuarts Draft on Saturday, May 1, 2021 for the State Championship.

Mr. Tilton – none

Mr. Boyce – none

Mr. Simpson - none

Council Standing Committee Reports:

The Physical Development Committee and Finance & Planning Committee provided consensus to advertise the FY 2022 Budget for the Town of Appomattox.

Staff Reports:

Mrs. Kim Ray, Treasurer provided the Treasurer's Report for revenues and expenditures though April 2021.

Mr. Jeff Elder, Facilities Director provided an update on the sewer inflow and infiltration project.

3 | **Appomattox Town Council**
Workshop Meeting
April 27, 2021

Mr. Shanaberger provided an update on the following items:

The Hurt and Proffitt Rate Study, Davenport Financial Analysis, and the first round of funding from the America Rescue Plan. Mikula Harris has been selected by the Appomattox Downtown Revitalization Grant management team to perform marketing and branding services. A Rose program meeting is being planned and a Council Retreat is being considered for September or the first week of October.

Adjournment:

On a motion by Mr. Garrett, seconded by Mr. Simpson, Council voted to adjourn at 8:10 p.m. All members present voting aye. Motion carried 6-0.

Roxanne W. Casto
Clerk of Council

Richard C. Conner, Mayor

File Attachments for Item:

2. Consideration to declare surplus equipment.

List of items for surplus for the June 14, 2021 Appomattox Town Council meeting:

QUINCY 5HP AIR COMPRESSORS – QUANTITY 2

96 GALLON ROLL OUT TRASH CANS – QUANTITY 205