

1 | **Appomattox Town Council**
Regular Council Meeting
October 15, 2019

The Appomattox Town Council held a Regular Council meeting on Tuesday, October 15, 2019 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 Garrett, James Boyce, Sr., Mary Lou Spiggle, Timothy W. Garrett, Steven T. Conner and Claudia G. Puckette.

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

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

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 Harvey opened the Public Hearing and stated the purpose:

Appomattox Town Council will conduct a public hearing on a proposed Ordinance of Vacation, pursuant to VA. CODE ANN. §15.2-2272 to vacate an unopened portion of Rose Lane, identified as “0.122 Ac. Hereby Vacated” and “0.116 Ac. Hereby Vacated,” both as shown upon a plat of survey entitled “Plat Showing Street Vacation of a Portion of Rose Lane Being 0.238 Acres, Town of Appomattox, Virginia” made by Russell E. Nixon, L.S., dated August 8, 2019, and to be recorded in the clerk’s office of the Appomattox County Circuit Court (the “New Plat”), which area remains an unopened street. The effect of such proposed vacation shall be to vest such title as the Town of Appomattox may possess to the centerline of such unopened street so vacated, free and clear of any rights of the public, but subject to the rights of the owners of any public utility installations which have been previously erected therein, in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2274, equally in the owners of abutting properties as follows:

The parcel identified on the plat of survey as “0.122 Ac. Hereby Vacated” shall be added to T.M. No. 64A3-A-22 owned by Jamerson Real Estate, Inc.;

The parcel identified on the plat of survey as “0.116 Ac. Hereby Vacated” shall be added to T.M. No. 64A3-A-74A owned by John N. Toliver, Jr.

Staff comments:

Mr. Shanaberger advised that the Appomattox Town Planning Commission meet on October 1, 2019 and recommended approval to vacate the unopened portion of Rose Lane.

There were no public comments.

Mayor Harvey closed the public hearing.

Mayor’s Comments:

Mayor Harvey stated the Appomattox Railroad Festival weekend was great. The weather was beautiful. He did express a need for more help next year.

On November 16, 2019, Mayor Harvey will be hosting a Brunswick Stew at his office on Court Street to benefit the “Brothers in Arms” organization.

Scheduled Public Appearances:

None

Consent Agenda:

On a motion by Mr. Jonathan Garrett, seconded by Mr. Timothy Garrett, with all members voting “aye” to adopt the agenda for October 15, 2019 as presented. All members present voting aye. Motion carried 5-0.

Unfinished Business:

On a motion by Mr. Timothy Garrett, seconded by Mr. Jonathan Garrett, Council voted to adopt a resolution amending the FY 2020 Operating Budget for the Appomattox Welcome Center initiative requested by the American Civil War Museum and to continue discussion to compromise between the American Civil War Museum and business owners.

Roll Call vote: J. Garrett – no, Boyce – no, Spiggle – no, T. Garrett – no, Conner -yes, Puckette – no. Motion carried 5-1.

Mrs. Puckette left the meeting at 8:05 p.m.

New Business:

On a motion by Mr. Conner, seconded by Ms. Spiggle, Council voted to appoint the following individuals to the Façade Advisory Board for the Appomattox Downtown Revitalization Grant. Blair Smith, Jeff Garrett, Tom Adams, Gary Shanaberger and Lonny Hamlett. All members present voting aye. Motion carried 5-0.

On a motion by Mr. Conner, seconded by Mr. Boyce, Council voted to adopt the Ordinance of Vacation for the unopened portion of Rose Lane:

Ordinance of Vacation

[Unopened portion of Rose Lane]

WHEREAS, by deed dated May 28, 1952 and recorded in the Appomattox County Circuit Court Clerk’s Office in Deed Book 59, page 71, and by a corresponding plat of survey, Willie C. Smith, et. al. dedicated a public road, referred to in such instruments as “New Street,” across their respective properties (the “Original Plat”); and,

WHEREAS, a portion of “New Street” was subsequently opened and is currently in use as a street now known as “Rose Lane”; and,

WHEREAS, another portion of “New Street” was never opened or used as a street, such portion being property in the Town of Appomattox more particularly identified as “0.122 Ac. Hereby Vacated” and “0.116 Ac. Hereby Vacated,” both as shown upon a plat of survey entitled

“Plat Showing Street Vacation of a Portion of Rose Lane Being 0.238 Acres, Town of Appomattox, Virginia” made by Russell E. Nixon, L.S., dated August 8, 2019, and to be recorded in the clerk’s office of the Appomattox County Circuit Court (the “New Plat”), which area remains a unopened street and is referred to herein as the “unopened portion of Rose Lane”;

WHEREAS, the unopened portion of Rose Lane has never been opened, and there is no further need for it to be opened;

WHEREAS, it is the desire of the Town of Appomattox, acting by and through its Town Council, to vacate the unopened portion of Rose Lane identified on the New Plat as “0.122 Ac. Hereby Vacated” and “0.116 Ac. Hereby Vacated,” by Ordinance of Vacation in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272;

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

The parcel identified on the plat of survey as “0.122 Ac. Hereby Vacated” shall be added to T.M. No. 64A3-A-22 owned by Jamerson Real Estate, Inc.;

The parcel identified on the plat of survey as “0.116 Ac. Hereby Vacated” shall be added to T.M. No. 64A3-A-74A owned by John N. Toliver, Jr.;

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2272, the unopened portion of Rose Lane identified on the New Plat as “0.122 Ac. Hereby Vacated” and “0.116 Ac. Hereby Vacated,” **shall be, and the same hereby is, vacated**, a public hearing thereon having been duly advertised in accordance with the provisions of Virginia Code Ann. Sec. 15.2-2204;

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

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

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The vote was: Aye: J. Garrett, Boyce, Spiggle, T. Garrett, Conner
 Nay: None
 Abstain: None

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

On a motion by Mr. Conner, seconded by Mr. J. Garrett, Council voted to authorize the Town Clerk to negotiate the purchase of meeting and agenda software. All members present voting aye. Motion carried 5-0.

Standing Committee Reports:

On a recommendation of the Physical Development Committee, Council voted to approve an 18-month payment plan for the customer on Morton Lane. All members present voting aye. Motion carried 5-0.

Citizen Comment Period:

None

Town Manager’s Report:

Mr. Shanaberger reported that he and Mr. Boyce attended the annual VML Conference in Roanoke, Virginia.

Mr. Shanaberger also congratulated the Railroad Festival on a great weekend.

Council Concerns:

Mr. Boyce inquired about the lack of outdoor lighting at Wal-Mart.

Ms. Spiggle complimented the Railroad Festival committee on the event.

Mr. Conner stated that the Town needs to start working with the county. Regionalism helps everyone.

Adjournment:

On a motion by Mr. J. Garrett, seconded by Mr. Conner, Council voted to adjourn at 8:20 pm. All members present voting aye. Motion carried.

Roxanne W. Casto
Clerk of Council

Paul D. Harvey, Mayor