

1 | **Appomattox Town Council
Workshop Meeting
September 24, 2019**

The Appomattox Town Council held a Workshop meeting on Tuesday, September 24, 2019 at 6:00 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey, presiding.

Town Council members present - James J. Boyce, Sr., Mary Lou Spiggle, Timothy W. Garrett, Steven T. Conner and Claudia G. Puckette. Absent - Jonathan D. Garrett.

Town Planning Commission members present – Marvin Mitchell, Linda Lipscomb, Roger Carson, S. L. Ferguson.

Others present - Carlton Duck, Jeff Elder, Facilities Director, Kim Ray, Treasurer; Gary Shanaberger, Town Manager and Roxanne Casto, Clerk.

Mayor Harvey called the Workshop meeting to order.

Marvin Mitchell, Chairman of the Planning Commission called the meeting to order.

Mayor Harvey stated the purpose of the Public Hearing:

PLEASE TAKE NOTICE that at its meeting to be held on Tuesday, September 24, 2019, at the hour of 6:00 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia, the Appomattox Town Planning Commission will conduct a public hearing on 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.;

The Planning Commission will make its recommendation with respect thereto to the Appomattox Town Council for its consideration at its meeting to be held on Tuesday, October 1, 2019 at 6:00 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia.

PLEASE TAKE FURTHER NOTICE that at its meeting to be held on Tuesday, October 15, 2019, at the hour of 7:30 p.m. in the Town Council Meeting Room, Appomattox Town Office, 210 Linden Street, Appomattox, Virginia, the Appomattox Town Council will consider

the recommendations of the Planning Commission with respect to the above-described proposed Ordinance of Vacation, pursuant to VA. CODE ANN. §15.2-2272 to vacate the above-described portion of a plat. The Town Council will have said ordinance proposed to it for passage and will hold a public hearing thereon, pursuant to the same statutory authority.

The entire text of the above-noted Ordinance of Vacation is on file in the Town Office, 210 Linden Street, Appomattox, Virginia, and can be examined there between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.

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

Staff Comments:

Mr. Shanaberger, Town Manager stated the following items for consideration:

There is a map of the parcels of property requested to be vacated. The RED portion is Rose Lane where the state maintenance ends. The GREEN section is to be vacated for Jamerson Real Estate and the ORANGE section for John Toliver. Jamerson Real Estate requested the unopened road be vacated basically between Mr. Toliver and Mr. Jamerson's Real Estate company. This is an unopened street that will never be used by the Town of Appomattox. The reason it is unopened is because when they put the bypass in years ago it created basically a dead-end street, Rose Lane. The property would probably serve the Town better in terms of being vacated to the two people or ends up only being vacated to one of them. It will be on the tax rolls and generate some income to the Town.

To expand a little on the use of the property, Jamerson Real Estate is looking to develop 16 apartments on that parcel. The land to be vacated will have little to no bearing on the development of the apartments. There is enough land there now should we vacate the property it will make the site work and design a little more user-friendly for the development. The 16-apartment complex would be very similar to the ones on Plant Drive. It is a very appropriate size development for that property. The property is zoned R-3. As a side note, one of the goals of the Town's Comprehensive Plan is to promote the availability, diversity and attractiveness of housing in the Town of Appomattox.

Mayor Harvey asked if there were plans to make a connecting road from Plant Drive to Rose Lane. Mr. Shanaberger responded to Mayor Harvey's question by stating that no, that is not part of the plans.

Public Comments:

John Toliver – 280 Plant Drive – owns the property adjacent to the unopened road to be vacated. One of the items, I would like clarification on is that no one has seen plans to connect Rose Lane to Plant Drive but have you seen any of the plans for development of the property? Have those been submitted?

Mr. Shanaberger: It would be premature at this point.

Mr. Toliver – when I spoke to the owner of the property, when he tried to negotiate reasonable conditions to purchase my half of the property to build he said he did indeed have plans to build a road that would obviously towards his property and then to the development and perhaps this goes beyond the purview of this meeting here – it seems to me it would be logical that in building such a development that it would be the intent in such close proximity of roadways to

connect Rose Lane to Plant Drive. It seems illogical to me to assume Plant Drive would be isolated from Rose Lane and that the tenants would not have access to Rose Lane and that there end lies one of our primary concerns.

1 – We already enjoy a sort of quiet, isolated community. One of the worries is the increased traffic flow from the existing complex as well as the proposed one would cause congestion unlike anything we are currently used to.

2 – The current roadway – Rose Lane does not seem to be structurally sound for 2 lanes of traffic. The width of Rose Lane seems to be not wide enough to accommodate or sustain 2 lanes of traffic.

3 – Finally, I have a 15-month-old son and others have children in the neighborhood and increased traffic due to the proposed 16-unit apartment complex and before we adjudicate the matter address these concerns as well as the others raised tonight.

Russ Nixon, Surveyor/Designer – Jamerson Real Estate

To address some of the comments of Mr. Toliver – The street width of Rose Lane is 18 feet in width. 18 feet is the minimum width of a two-lane street in the State of Virginia. Currently, Rose Lane does meet the 25 mph street criteria. My client expects to and wants to have an entrance off of the end of the state maintenance on Rose Lane in his lot. He does not, at this time, want to connect between Plant Drive and Rose Lane. Based on the traffic study and only proposing 16-units to this site their will be minimal impacts to the traffic counts. Morning timeframes, looking at 30 cars per trip and 8:00 – 10:30 a.m. an additional 30 cars traveling on that roadway, after that timeframe, it drops to 27 cars. Just because there will be 16 units, doesn't mean that the traffic will be that bad. Based on historic data we looked at, projects like this could have more units based on the area of the property but Mr. Jamerson wants to put in two 8-unit townhouse complexes.

Vacation of this area will do several things for this project (development). It will help with our stormwater design. Also, it just makes sense, we could own this property and pay taxes on this property, it is being maintained currently by my client and Mr. Toliver. I think this is a win-win for the Town. We do not have a final plan complete yet because obviously I don't want to spend Mr. Jamerson's money without knowing what he owns. Thank you.

Jack Morgan – 259 Rose Lane, Appomattox, Virginia

As we've already heard, the biggest concern is traffic. I don't doubt Mr. Nixon's numbers with the exception of the roadway. We went out and measured it yesterday and can only find a maximum width of 14 feet. It is a little wider as you get closer to Oakleigh Avenue but for the majority of the street, for the 4-5 of us that live on that street, especially at the end of the street, we cannot pass one another going in opposite directions without one of us getting over in someone else's yard. A lot of other questions will be raised once a site plan is designed. One of the biggest questions is, would parking lots be connected to the units off of Rose Lane to the units off of Plant Drive. The road itself once it gets passed his driveway really has deteriorated. Unfortunately, the garbage collection is probably one of the worst things that happen on that road. The garbage truck is so big and so heavy, and I am sure these units are going to have trash collection also which means that heavy truck is going to have to come all the way through the state-maintained portion and then into that complex. We pulled our plats, along with the plat

presented, it calls for a 40-foot easement and if you measure 40 foot from the centerline of the road that takes in ditches, mailboxes, light poles, water meter, etc. Our concerns again are traffic, condition of the roadway, what improvements will be made once this development goes in. As a member of one of the volunteer services in the County, I have had to back a medic unit all the way into the complex on Plant Drive and all the way out. It only gives the impression that the two complexes will connect in the future so that those folks can go either way. Plant Drive has some very poor sight lines coming out into Oakleigh Avenue. Those were his concerns as a neighbor.

Jeff Smith – 253 Rose Lane, Appomattox, Virginia

Not much more to add – I was holding the other end of the tape measure last night. We cannot pass each other right now without going into someone else's yard so when you're talking about 30 more cars – I already have to drive in a yard with 3 cars past me, so adding 16 units to a road that only has 11 houses on it – you're more than doubling the traffic we can barely accommodate now as neighbors at this point. I would love it if all the traffic went out Plant Drive, that would be great for us but if it is going to happen, I think the road is going to have to be addressed. Thank you for your time.

Mayor Harvey closed the public hearing.

Marvin Mitchell, Chairman of the Planning Commission closed their meeting.

Closed Session:

On a motion by Council Member Spiggle, seconded by Council Member T. Garrett, Council voted to convene a Closed Session pursuant to §2.2-3711 (A) 3 of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, specifically being Parcel A associated with the construction of a sanitary sewer pump station and associated force main and pursuant to §2.2-3711 (A) 8 of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel retained by the Town regarding a specific legal matter requiring the provision of legal advice by such counsel, such matter specifically being issues pertaining to First Amendment rights under the United States Constitution in the context of a parade and event ordinance.

Vote: J. Garrett – absent, Boyce – aye, Spiggle -aye, T. Garrett – aye, Conner – aye, Puckette – aye.

The meeting was re-opened to the public.

Council Member Spiggle 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 T. Garrett and Council by the following recorded vote adopted the motion:

Vote: J. Garrett – absent, Boyce – aye, Spiggle -aye, T. Garrett – aye, Conner – aye, Puckette – aye. Motion carried 5-0.

Mayor Harvey requested to add agenda item 9A – Discussion of setting up a date for the second community meeting regarding the information received from the Virginia Tourism Corporation.

Review of Proposed Town Charter Change Concerning Elections:

Mr. Conner stated he believes the Town should move the elections to November but leave the terms at two-years. No staggered terms. Moving it to November would encourage voter turnout and cost less.

Mr. Shanaberger explained the proposed referendum question #2; as to create continuity among Council by always having at least three (3) seasoned Council members at a time.

Mr. Timothy Garrett expressed his desire for staggered terms.

Mrs. Puckette stated the referendum would allow Council to find out how the Town voters feel about these items.

Mr. Boyce explained that he is currently on this Council because of apathy because it was stated in the newspaper that the Town Council needed write-in candidates. One-third of the Council is made up of write-ins because know one else wanted the job.

Ms. Spiggle agreed to let the people decide by referendum.

Council requested the Town Attorney to amend the wording of the referendum for council terms of four years and the term for Mayor two years. Council will add this item to the agenda of the next regular meeting.

Award of Grant Administration for the Appomattox Downtown Revitalization Project:

On a motion by Ms. Spiggle, seconded by Mrs. Puckette, Council voted to award the grant administration of the Appomattox Downtown Revitalization Project to Summit Design and Engineering for \$67,000. All members present voting aye. Motion carried 5-0.

Documents for Appomattox Downtown Revitalization Project:

On a motion by Mr. Conner, seconded by Mrs. Puckette, Council voted to adopt and authorize Mayor Harvey to execute the following documents associated with the Appomattox Downtown Revitalization Project:

- a. Town of Appomattox Non-Discrimination Plan
- b. Town of Appomattox – Section 3 – Local Business and Employment Plan
- c. Town of Appomattox – Fair Housing Certification
- d. Town of Appomattox – Section 504 Grievance Procedure
- e. Town of Appomattox – Residential Anti-Displacement Plan

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

Bank of the James:

On a motion by Mr. Boyce, seconded by Ms. Spiggle, Council voted to adopt a resolution authorizing any two of the four following individuals to sign any necessary documents on behalf of the Town of Appomattox associated with a checking account at the Bank of the James for the USDA Sewer Project: Paul D. Harvey, Mayor; Timothy W. Garrett, Vice-Mayor; Gary Shanaberger, Town Manager; and Kimberley Ray, Town Treasurer. All members present voting aye. Motion carried 5-0.

Fats, Oil & Grease Policy:

On a motion by Mr. Conner, seconded by Ms. Spiggle, Council voted to adopt updates to the Fats, Oil & Grease Policy and Procedures, effective immediately. All members present voting aye. Motion carried 5-0.

Fireworks:

Mr. Shanaberger reported on the quotes received for the fourth of July fireworks. The approximate cost for fireworks on July 4th is \$20,000. He did receive quotes for July 3rd (Friday) for \$10,000 and another one for \$6,980.00. Mr. Shanaberger requested adding funds to this project to cover advertising and traffic control, in the amount of \$2,000.

On a motion by Mr. T. Garrett, seconded by Ms. Spiggle, Council voted to fund fireworks on July 3, 2020 for \$9,000 with Virginia Sky Painter. Vote: Boyce – yes, Spiggle – yes, T. Garrett – yes, Conner – no, Puckette – no. Motion carried 3-2.

Tourism Community Meeting:

Mr. Shanaberger suggested meeting on Thursday, October 10, 2019 at the Visitor's Center at 6:00 p.m.

Committee Reports:

None

Council Concerns:

Mr. Timothy Garrett commended the Public Works Department on fixing the water leak on Countryside Drive in a timely manner. It was impressive to watch them repair 8" main at Countryside Drive and Confederate Blvd.

The Town Picnic is Thursday, September 26, 2019 from 5:00 – 7:00 p.m. at Abbitt Park (next to the Library).

The Railroad Festival will be held October 12 and 13, 2019 and Bible Baptist Church will be running a shuttle bus from the Thomasville parking lot to the downtown area.

Staff Reports:

Mrs. Kim Ray, Town Treasurer provided the financial report as of August 31, 2019.

Mr. Jeff Elder, Facilities Director – no report

Mrs. Casto, Clerk shared information from the agenda management software demonstrations and is waiting on the last proposal. A recommendation will follow at the October regular meeting.

Mr. Gary Shanaberger provided updates on the following items:

- A public hearing will be held at the Virginia Department of Transportation office on Ferguson Street on Tuesday, October 8, 2019 from 4:00 – 6:00 p.m. regarding the Smart Scale project.

On a motion by Mr. T. Garrett, seconded by Mr. Boyce, Council voted to adjourn at 7:55 pm. All members present voting aye. Motion carried 5-0.

Roxanne W. Casto, MMC
Clerk of Council

Paul D. Harvey, Mayor