

1 | **Appomattox Town Council**
Regular Council Meeting
June 10, 2019

The Appomattox Town Council held a Regular Council meeting on Monday, June 10, 2019 at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey, presiding.

Members present: Jonathan D. Garrett, James Boyce, Mary Lou Spiggle, Timothy W. Garrett, Steven T. Conner and Claudia G. Puckette.

Others present: Derek Norfield, Carlton Duck, Alive Media TV; Rachel Mahoney (News & Advance), Michelle Payne (Times Virginian), Kim Ray, Town Treasurer; Gary Shanaberger, Town Manager; Roxanne W. Casto, Clerk.

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

Rev. Carlton Duck led the prayer and Pledge of Allegiance to the Flag of the United States of America.

Mayor's Comments:

Mayor Harvey reminded those in attendance of another free event in the Courtland Festival Park on June 29, 2019 featuring McKinley Cardwell. Please contact Mayor Harvey or Mrs. Susan Adams if you know of anyone who would be interested in providing entertainment at one of the events.

Scheduled Public Appearances:

None

Consent Agenda:

On a motion by Mr. Timothy Garrett, seconded by Mr. Jonathan Garrett, Council voted to adopt the consent agenda for June 10, 2019 with the addition of language, specifically "in the amount of \$37,500.00" to New Business #4. All members present voting aye. Motion carried 6-0.

Unfinished Business:

None

New Business:

On a motion by Mr. Boyce, seconded by Mr. Conner, Council voted to accept the recommendation of the Appomattox Town Planning Commission to approve the variance application for Tax Map Identification Number 64A2 2 9 for David M. Ferguson. The property is currently zoned B-2 and the purpose of the request is to rebuild a residence that was destroyed by fire. The residence will be built in the same footprint as the previous home. A variance is needed to allow the home to be rebuilt in a B-2 district in the Town of Appomattox. This parcel is approximately 0.37 acres in size and is located at 196 Crawley Lane, Appomattox, Virginia. All members present voting aye. Motion carried 6-0.

On a motion by Ms. Spiggle, seconded by Mrs. Puckette, Council voted to adopt the Capital Improvement Plan for the Town of Appomattox for FY 2020 as presented. All members present voting aye. Motion carried 6-0.

On a motion by Ms. Spiggle, seconded by Mrs. Puckette, Council voted to adopt an Appropriations Resolution of the Appomattox Town Council adopting the Fiscal Year 2019-2020 Budget for the Town of Appomattox.

**AN APPROPRIATIONS RESOLUTION OF THE APPOMATTOX TOWN COUNCIL
ADOPTING THE FISCAL YEAR 2019-2020 BUDGET FOR THE TOWN OF APPOMATTOX,
VA.**

SECTION I:

WHEREAS, Section 5-72, Appomattox Town Code and Section 15.2-2503, Code of Virginia, require that the governing body shall approve the budget and fix a tax rate for the budget year no later than the date on which fiscal year begins; and,

SECTION II:

WHEREAS, the proposed Fiscal Year 2019-2020 Budget was published on May 8, 2019 and May 15, 2019 in the *Times-Virginian*, Appomattox, Virginia, pursuant to Section 15.2-2506, Code of Virginia, and public hearing was subsequently held on the proposed budget on Tuesday, May 28, 2019;

SECTION III:

NOW, THEREFORE, BE IT RESOLVED, that the Appomattox Town Council meeting in General Session on June 10, 2019, does hereby approve the following General Fund Expenditures by Category for Fiscal Year 2019-2020;

GENERAL FUND; EXPENDITURES BY CATEGORY:

Council	51,500.
Administrative Department	488,170.
Professional	118,000.
Police Department	94,644.
Tourism Department	78,200.
Fire Department	41,000.
Public Works Department	926,193.
Sanitation Department	115,000.
Property Maintenance & Construction	660,571.
Town Shop	38,250.
Donation/Contributions	83,500.
Zoning	27,000.
Town Office	27,100.
TOTAL GENERAL FUND EXPENSES	2,749,128.

SECTION IV:

BE IT FURTHER RESOLVED, that the Appomattox Town Council hereby establishes the property tax rate at \$.12 per \$100.00 of assessed value for real estate, \$.55 per \$100.00 of assessed value for personal property, \$.55 per \$100.00 of assessed value for machinery and tools, and \$.12 per \$100.00 of assessed value for mobile homes; and,

BE IT FURTHER RESOLVED, in accordance with the requirements set forth in Section 58.1-3524(C)(2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in Item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated within the Town commencing January 1, 2018, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 61.86% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 61.86% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

SECTION V:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following General Fund revenue estimates for Fiscal Year 2019-2020;

GENERAL FUND; REVENUES BY CATEGORY:

Current Taxes – Real Estate	162,000.
Current Taxes – Personal Property	75,000.
Delinquent Taxes	5,000.
Penalties & Interest	5,000.
Public Service Corporation	7,000.
Bank Stock Tax	130,000.
Cigarette Tax	110,000.
Meals Tax	1,000,000.
Lodging Tax	70,000.
Franchise Tax	4,500.
Consumption Tax	7,000.
Vehicle License Tax	25,000.
Business License	150,000.
Communications Tax	6,500.
Zoning	1,000.
Interest	9,000.
Rental of Misc. Property	9,000.
Motor Vehicle Tax	4,000.
Sales Tax	70,000.
Aid to Police Department (HB599)	44,322.
Fire Programs	10,000.
Personal Prop Tax Relief Act State Funds	23,107.
Visitor Center	400.
Mobile Home Titling Tax	500.
Miscellaneous	1,000.

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Town DMV Fees	1,000.
Meadowlark Program Income	4,380.
Other Reimbursable	500.
Transfer from Reserve	813,919.
TOTAL GENERAL FUND REVENUES	2,749,128.

SECTION VI:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Water Fund Expenditures for Fiscal Year 2019-2020;

WATER FUND; EXPENDITURES BY CATEGORY:

Water Department	976,362.
TOTAL WATER EXPENDITURES	976,362.

SECTION VII:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Water Fund Revenue estimates for Fiscal Year 2019-2020;

WATER FUND; REVENUES BY CATEGORY:

Water Sales	342,400.
Connection Fees	7,500.
Penalty Fees	15,000.
Availability Fees	10,000.
Reconnect Fees	4,000.
County Water Line Maintenance	45,000.
Miscellaneous	500.
Interest	4,000.
Credit Card Fees	2,500.
Rental of Misc. Property	35,000.
Intergovernmental Revenue	25,000.
Use of Fund Balance	485,462.
TOTAL WATER REVENUES	976,362.

SECTION VIII:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Sewer Fund Expenditures for Fiscal Year 2019-2020;

SEWER FUND; EXPENDITURES BY CATEGORY:

Sewer Department	1,017,033.
TOTAL SEWER EXPENDITURES	1,017,033.

SECTION IX:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Sewer Fund Revenue estimates for the Fiscal Year 2019-2020;

SEWER FUND; REVENUES BY CATEGORY:

Sewer Sales	832,000.
Connection Fees	2,500.
Availability Fees	7,500.

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County Reimbursement SBR & IDA PS	76,573.
Park Service Maintenance	1,800.
Interest	3,500.
Intergovernmental Revenue	1,000.
Use of Beginning Balance	92,160.
TOTAL SEWER REVENUES	1,017,033.

SECTION X:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Internal Service Fund Expenditures for Fiscal Year 2019-2020;

INTERNAL SERVICE FUND; EXPENDITURES BY CATEGORY:

Internal Service Department	133,800.
TOTAL INTERNAL SERVICE FUND EXPENDITURE	133,800.

SECTION XI:

BE IT FURTHER RESOLVED, that the Appomattox Town Council does hereby approve the following Internal Service Fund Revenue estimates for the Fiscal Year 2019-2020;

INTERNAL SERVICE FUND; REVENUE BY CATEGORY:

Reserves	133,800.
TOTAL INTERNAL SERVICE REVENUE	133,800.

SECTION XII:

The salaries, wages and allowances set out in said Budget are hereby authorized as per the terms of the town's classification and merit system as approved compensation for officers and employees for services rendered, unless hereafter otherwise provided by ordinance; provided however, that the Town Manager is authorized to make such rearrangement of positions in the several departments named in the Budget, in respect to officers and employees appointed by his/her as may best meet the needs and interests of the Town and after approval by Council.

SECTION XIII:

BE IT FURTHER RESOLVED, that the Appomattox Town Council may amend the Fiscal Year 2019-2020 Town Budget from time to time pursuant to Section 15.2-2507, Code of Virginia; and,

SECTION XIV:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year Budget for 2019-2020 is hereby adopted, effective July 1, 2019 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 10th day of June, 2019.

Attest:

Roxanne W. Casto, Town Clerk

Paul D. Harvey, Mayor

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

On a motion by Mr. Jonathan Garrett, seconded by Ms. Spiggle, Council voted to adopt a resolution amending the FY 2019 Operating Budget for the General Fund for additional funding necessary to complete the purchase of Public Works Equipment identified in the Capital Improvement Plan adopted for FY 2019,

WHEREAS, Section 15.2-2507, Code of Virginia, allows that a governing body may amend the budget from time to time

NOW THEREFORE, BE IT RESOLVED, that the Appomattox Town Council does hereby amend the FY 2019 Operating Budget for the General Fund for funding for Public Works Equipment.

General Fund Expenditures

10-5000-6001 – Public Works Equipment	\$ 37,500	
Total Net Increase in Expenditure Budget		<u>\$37,500</u>

General Fund Revenues

10-3901-0000 Transfer Funds from Reserve	37,500	
Total Net Increase in Revenue Budget		<u>\$37,500</u>

SECTION XIII:

BE IT FURTHER RESOLVED, by the Town Council of Appomattox, Virginia that the Fiscal Year 2019 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 10th day of June 2019.

Attest:

Roxanne Casto, Town Clerk

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

On a motion by Ms. Spiggle, seconded by Mr. Jonathan Garrett, Council voted to award the bid for the 33,000 GVWR Cab & Chassis with mounted dump body and snowplow ready according the VDOT specifications to Worldwide Equipment, Inc. as the lowest responsible and responsive bid for a total price of \$107,609.00. All members present voting aye. Motion carried 6-0.

On a motion by Mr. Timothy Garrett, seconded by Mrs. Puckette, Council voted to adopt the following resolution:

AN ORDINANCE TO AMEND AND REENACT the Code of the Town of Appomattox, Chapter 75, thereof, entitled Burning, Open, by amending §75-3A Exception for firefighting, recreational, ceremonial and safety purposes.

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

Section 1. Chapter 75, Burning, Open, of the Code of the Town of Appomattox is hereby amended to read as follows:

§75-3 A. Exceptions for firefighting, recreational, ceremonial and safety purposes.

- A. Open burning shall be allowed for campfires that do not exceed a 3' x 3' ground area and 2 feet in height. A containment barrier from a non-flammable material such as cinderblock, brick, or stone shall be used for all campfires, and must be adequate to prevent the fire from spreading. Spark arrestors are also required. All campfires shall be maintained a minimum of 25 feet from all structures, combustible materials, and adjoining property boundaries. The campfire shall be constantly attended until it is completely extinguished. Commercial fire pits shall also be permitted, provided all campfire requires are met. Open burning shall be allowed for ceremonial occasions approved in writing by the Town in advance, outdoor noncommercial preparation of food, safety flares, and warming of outdoor workers, provided that there shall be no burning of rubber tires, asphaltic materials, crankcase oil, impregnated wood, or other rubber or petroleum based materials or toxic or hazardous materials or containers of such materials, and provided that appropriate precautions are taken to prevent the fire from spreading.

Section 2. Effective Date.

ENACTED AND ORDAINED THE 10th day of June, 2019. This ordinance shall become effective June 10, 2019.

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

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

NOTE: The language in this resolution has been approved by VRS Benefits Counsel and is not subject to modification.



Virginia
Retirement
System

VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program
Employer Adoption Agreement

THIS AGREEMENT (the "Agreement"), executed this [insert date] 10 day of June, 2019, is by and between [insert Locality, School Division, or Other Political Subdivision] Town of Appomattox (the "Employer") and the Virginia Retirement System (the "Plan Sponsor") (hereinafter collectively referred to as the "Parties").

WITNESSETH

WHEREAS, the Commonwealth of Virginia has established, and the Plan Sponsor is responsible for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program (the "Plan") in which employees of local governments, local officers, and teachers, as defined in § 51.1-513.3 of the *Code of Virginia* (the "*Code*"), as amended, may participate; and

WHEREAS, pursuant to the same section of the *Code*, the Employer desires to enter into this Agreement with the Plan Sponsor to permit participation in the Plan by its eligible employees; and

WHEREAS, the official entering into this Agreement is duly authorized on behalf of the Employer's governing body.

NOW, THEREFORE, in consideration of the premises herein, the Parties agree as follows:

- 1) The Plan Sponsor represents and warrants to the Employer that it will comply with all applicable laws affecting the Plan.
- 2) The Plan Sponsor represents to the Employer that it will provide sufficient services to administer the Plan and to appropriately respond to inquiries by employees and participants.
- 3) The Employer acknowledges and agrees to the terms and conditions established in the Plan.
- 4) The Employer agrees to provide the Plan Sponsor's selected long term care insurance carrier with a mail file of all active employees, in the format provided by the insurance carrier.



VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

- 5) When requested by the Plan Sponsor or the insurance carrier, the Employer agrees to permit the Plan Sponsor's selected long term care insurance carrier to conduct group and individual meetings for the purpose of explaining the Plan or enrolling employees on the Employer's premises during normal working hours subject to such reasonable restrictions that the Employer communicates in writing to the Plan Sponsor and that are accepted by the Plan Sponsor.
- 6) This Agreement may be amended from time to time by written agreement between the Plan Sponsor and the Employer.
- 7) The term of this Agreement shall be for three years beginning on the date of its execution, and thereafter may be terminated by either party upon 60 days written notice to the other party.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed, intending to be bound thereby.

Employer

Virginia Retirement System

By: _____

By: _____

Title: _____

Title: _____

Date: _____, 20__

Date: _____, 20__

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

Standing Committee Reports:

None

Citizen Comment Period:

None

Town Manager's Report:

Mr. Shanaberger reported on the following:

- Continuing to work on Historic Tax Credits on the train depot.
- The annual Virginia Municipal League Conference will be held in Roanoke, Virginia October 6-8, 2019.

Council Concerns:

Mr. Conner inquired if the staff has looked into doing away with the Internal Service Fund?

Mr. Shanaberger stated, not in earnest. Mr. Shanaberger said he would look into it within the next 60 days.

Mr. Boyce asked if there were any updates from VDOT on Church Street and Lee Grant Avenue. Mr. Shanaberger advised that the engagement of the engineering firm would begin after July 1, 2019.

Mr. Conner suggested contacting Boxley or Buckingham Slate about the roof at the depot.

Ms. Spiggle reminded everyone of the Grand Opening/Ribbon Cutting at the new Horizon Behavioral Health Wellness Center on June 25, 2019 from 2:00 – 4:00 p.m. The center is located in the Elite Fitness building on Union Blvd.

Mr. Jonathan Garrett requested Council members pay attention to legislation regarding gun control measures.

Mrs. Puckette stated she was not opposed to sending a letter regarding gun control measures be limited to state buildings, not local buildings.

By consensus, Council recommended contacting local legislators individually, not as a Council, regarding their feelings on any proposed gun control measures.

On a motion by Mr. Boyce, seconded by Mr. Jonathan Garrett, Council voted to adjourn at 8:10 pm. All members present voting aye. Motion carried.

Roxanne W. Casto
Clerk of Council

Paul D. Harvey, Mayor