

1 | **Appomattox Town Council
Workshop Meeting
July 23, 2019**

The Appomattox Town Council held a Workshop meeting on Tuesday, July 23, 2019 at 6:00 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey, presiding.

Members present: Jonathan Garrett, James J. Boyce, Sr., Mary Lou Spiggle, Timothy W. Garrett, Steven T. Conner.

Absent: Claudia G. Puckette.

Others present: Michelle Payne, Kevin & Joy Bagby, Nathan Simpson, Jeff Elder, Susan Adams, Kim Ray, Treasurer; Gary Shanaberger, Town Manager and Roxanne Casto, Clerk.

Mayor Harvey called the Workshop meeting to order.

VULTURES

Mrs. Joy Bagby, 438 Oakleigh Avenue appeared before Council to discuss the vulture problem in the neighborhood of Oakleigh Avenue, Confederate Blvd, Martha Street and Patricia Anne Lane.

Mrs. Bagby stated that the neighborhood has been experiencing problems with the vultures for at least the last 20 years, mostly what I she sees is black vultures but what also she's also heard is they are turkey vultures as well.

The vultures are doing damage to property, cars, roofs, decks and pools. In general, we have tried everything that is legal and everything that has been suggested to them. We just have not been successful in ridding ourselves of this problem. They come and they go and then they come back. It is at least 40-50 of them. They are not scared by anything we do. So, I started reaching out to find out what we could do – I know they are federally protected, and I understand that. I want to be within the confines of the law, but we just need help. We need assistance. The USDA Wildlife office in Richmond is willing to help us and they have a plan on paper, but it is \$2600.00 so we were hoping that our tax dollars could help our community with that expense.

Ms. Spiggle – requested the floor:

My daughter lives at 234 Patricia Anne lane in a townhouse and she has seen the vultures over there and they knock over trash cans to get the garbage, get on the roof, knock down the downspouts, but her biggest complaint is they are scratching her car and she showed me so I'm backing you up, this is a serious problem in that area.

Mrs. Bagby – The vultures kill trees. Their excrement is toxic and there are feathers everywhere.

Mr. Timothy Garrett – The plan you speak of for \$2600.00 - what does that consist of?

Mr. Shanaberger mentioned that the Town also received an email from Carolyn Steppe on the corner of Plant Drive and Oakleigh Avenue and she sees at least 40 vultures.

Mr. Shanaberger shared the process provided by Chad Forehand, USDA. They would do this for us (Town) for \$2,600.00. It is a “process” and a protocol they follow. The first thing they want to do is try to scare them and I think that’s been tried for years. But they want to try to scare them and after that they can take more aggressive action which would be to terminate them. But for them to do it, it’s \$2,600.00. I am not sure to the level of termination they would do – maybe it’s only half of them.

Ms. Spiggle – so USDA can kill the vultures, but the Town cannot?

Mr. Shanaberger – Actually, the Town could do it but VML Insurance will not cover us. I’ve already check with them. VML Insurance will not cover us if there is any kind of incident or accident.

Mr. Jonathan Garrett inquired about the noisemakers?

Mr. Shanaberger stated that the email he received from VML Insurance said no pellet guns or otherwise.

Mr. Conner said nothing with a projectile is probably what they are saying.

Mr. Shanaberger – correct.

Mr. Conner – you use to could get a permit if you were a farmer for \$150.00 to shoot them.

Mr. Shanaberger reminded Council that the Town’s insurance carrier will not cover the Town for this activity.

Mr. Jonathan Garrett – How does it work if we contract someone to do it for us?

Mr. Shanaberger stated that the Town would have to check on the contractor’s insurance.

Mr. Timothy Garrett stated that the buzzards have also been on the water tank.

Mr. Conner – part of the reason the buzzards stay around is because people were dumping food out there.

Mr. Shanaberger advised that Mr. Forehand, USDA mentioned that in his letter. A big part of the problem is by people who feed their pets and are throwing out table scraps.

Ms. Spiggle – To add to the mix there is a feral cat colony on Martha Street. St. Anne’s is having the same issues and there’s a lady that puts out cat food meaning to feed the cats but wherever there is food – that’s where the buzzards are.

Mr. Conner agreed the cats compound the problem. You kill all 40-50 buzzards but if you keep feeding the cats – more are going to come back.

Mr. Bagby – The feral cat problem is being addressed in the area. Controlling the feral cat problem is one of the stipulations for USDA. Eradicating the cats is a priority.

Mrs. Bagby has been in contact with the property owner of the wooded lot and they are trying to get the people who are feeding the cats to cease and desist because it is just exasperating the problem. It is not causing the problem, but it is making it very difficult to eradicate the problem.

Mrs. Bagby thanked Council for their time.

Mayor Harvey inquired about noise poppers? Mr. Shanaberger restated that VML Insurance said no projectiles.

Mr. Jonathan Garrett asked if the \$2,600 would be paid to USDA. Mr. Shanaberger replied yes. Mr. Conner inquired if USDA will come to Appomattox and performed the work themselves. Mr. Shanaberger indicated yes, or they may sub it out to someone else who has been trained in doing this.

Mr. Conner said he thinks we need to do it but thinks we need to look into other avenues and see if there is a cheaper solution.

Mayor Harvey – I think we've already heard this has to be the solution and we are not going to be able to shoot them ourselves.

Mr. Conner – but we can contract someone?

Ms. Spiggle – But will the contractor have insurance?

Mr. Conner – USDA may be the cheapest.

Mrs. Bagby – When Chad Forehand came to our home two weeks ago to meet with some of the neighbors, he told us we that they were not just going to stop. It would be him and someone else that would come here for however it takes – 2 weeks – they would ride around the area and make sure those birds don't get comfortable in another location. So, they are going to be the ones to take care of this problem because it is a federally protected animal, so USDA has jurisdiction and I'm not sure if a subcontractor would. Plus they are going to follow up in the community and make sure that remaining birds don't roost in another area of town and make the problem worse for someone else.

Mr. Shanaberger – There is a certain level of protection if the Town uses USDA because of animal rights groups that might would be upset by this.

Mayor Harvey – If you hire a contractor all he is probably going to do is what he was hired for and then leave – the USDA will follow up in 2 weeks.

Mr. Shanaberger assured Council that is the intention of USDA to do as much for the \$2,600.00 as possible. If in another 6 months, another flock comes back we may be looking at another \$2,600.00.

This plan/budget will not exceed \$2,600.00 for harassment/lethal removal.

Mr. Boyce commented that it is a nuisance and a health problem, but it is also incumbent to get rid of the cats.

ACTION ITEM:

On a motion by Mr. Conner, seconded by Ms. Spiggle, Council voted to accept the proposal for \$2,600.00 from USDA for the removal of the vultures. All members present voting aye. Motion carried 5-0.

PROPOSED FOOD TRUCK ORDINANCE

Mr. Shanaberger presented a draft of the Mobile Food Truck ordinance. It has been reviewed by the Town Attorney. With the assistance of 5 or 6 other communities having a food truck ordinance, he has tried to draft one tailored to the Town of Appomattox.

There are some compromises in here – most communities are charging \$50.00 or less for a food truck permit. The primary aspect of this is the amount of the fee. To give you some background, most communities are charging \$50.00 or less a year for a food truck permit. I put in \$200.00 a year and then \$25.00 for a one-day fee.

Ms. Spiggle asked what the charges are now? Mr. Shanaberger responded that the two (2) business we have now are paying a business license tax. Mr. Conner stated that he would go along with \$200.00 per year and \$25.00 for a one-day fee but not to prorate the tax.

Mr. Jonathan Garrett requested the average of the two (2) businesses we have now. Mr. Shanaberger advised a little less than \$100. Mr. J. Garrett said he didn't see why we are making them pay \$200.00 when they are currently paying less than that. Mr. Shanaberger explained that by definition they would now be classified as a mobile food unit. Prior to this ordinance there was no classification.

Mr. Conner commented that \$200.00 is fair – regardless of how many times they come into Town.

Mr. Shanaberger – In keeping with the term “mobile” a permanent structure – where things are planted in the ground – you’ve kind of crossed the line into brick and mortar. I am allowing 2 picnic tables and an umbrella per site. Part of the reason those other communities charge more is being there is more involved because the Town will have to go and inspect and monitor each location.

Mr. Jonathan Garrett – I think it needs to be less than \$200.00 – closer to the amount they are already paying.

Mr. Conner and Mr. Boyce shared some of the same concerns that brick and mortar stores pay real estate tax, water and sewer bills, meals tax and business licenses. Mr. Conner inquired if either of the existing food trucks have water access or backflow prevention devices. Mr. Elder stated from the audience that neither food truck has a water connection.

ACTION ITEM:

By consensus of the members present, Council agreed to advertise a public hearing notice with the following fees: \$25.00 for a one day only permit and \$100 for a one-year permit.

Committee Reports:

None

Council Concerns:

Mayor Harvey reminded Council Members of the Town Code section 5-13 and their right to object. The Mayor shall preserve order and decide all questions of order – any member may appeal any decision of the Mayor or question of order by a majority vote of those present, shall decide the issue.

Staff Reports:

Mrs. Kim Ray, Town Treasurer provided the financial report as of June 30, 2019 pending final entries.

Edmunds GovTech software has acquired the Logics Software. A conversion will be required if the Town stays with the new software company. Funding for a conversion was not included in the FY 2020 budget. Mrs. Ray will continue to work with Edmunds to lower the price to convert. The estimated cost is \$55,600 for one system – completely integrated. The yearly maintenance would be \$15,000. Mrs. Ray anticipates complete conversion by June 30, 2020.

Pre-audit/audit services:

- On July 3, 2019, Brown Edwards audited the inventory count. She complimented the Public Works department for the clean inventory count audit.
- There is a letter from Brown Edwards outlining their scope of work and fees for your review.
- Mary Earhart started the pre-audit work on July 15 and 16, 2019. Staff is always working in 2 years. Mrs. Earhart will be back September 9 – 12, 2019 and then Brown Edwards will come in September 23 – 27, 2019. It is staff hope to have the audit report for FY 2019 back in December 2019. Then in January, staff will be working on the Capital Improvement Plan and new budget process.

Mr. Jeff Elder, Facilities Manager reported earlier in the year there was a fire at the Railyard Restaurant at which time staff discussed with Council replacing the waterline on Church Street. It is in the Capital Improvement Plan for this year but due to grant opportunities coming open,

I'd like to go ahead with the design of the project so we can see what kind of money is available. In the CIP, there is currently \$370,700 for Phase I - what I'd like to do is all the engineering, VDOT permits, the railroad permits for the crossing on Church Street and get it out to discuss with USDA and a couple of others looking to loan us money but I need \$103,500 and that will get us through design – bid, inspections, turn key – until it's over. From Patricia Anne Lane to Hunter Street for design, putting it out to bid, permits from VDOT, permits from Norfolk & Southern, getting under the railroad, inspections while the line is being put in, going through the Health Department and any other approvals needed.

Ms. Spiggle commented that the Town should take this next step.

Mr. Elder – and if you take that off, we will still have \$267,200 and I'd like to roll that back, we can use for match money or to use to get this going.

ACTION ITEM:

On a motion by Mr. T. Garrett, seconded by Mr. J. Garrett, Council voted to approve \$103,500 of additional money for design of the Church Street waterline replacement project. All members present voting aye. Motion carried 5-0.

Mrs. Casto, Clerk – no report

Mr. Gary Shanaberger provided updates on the following items:

- Katie Conner with the Virginia Tourism Corporation has agreed to assist in sorting through the question of the Welcome Center as it relates to the Visitor's Center. She would like to come to Appomattox on Thursday, August 8, 2019 to begin her research. She also suggested that the Virginia Tourism Corporation could assist us with looking at a Comprehensive Tourism Plan. Ms. Conner is planning to have a community meeting at 5:30 p.m. at the Train Depot. She has many resources available to her and people from welcome centers she plans to reach out too as well. Mr. Shanaberger is unsure of how the meeting will be laid out and believes she will arrive earlier in the day to get a layout of the Town and the community. She will try to talk to other businesses and stakeholders on August 8, 2019.

Mr. Boyce suggested looking at signage going to Downtown Appomattox at the current Visitor's Center.

- Quick update on the Inflow & Infiltration Project:
The project is moving along but very slow. It looks like we are going to be a year out before we are able to close with USDA, the grant and the loan. We had a line of credit and it expired last month. While the town's in good shape, he did mention to Council to allow staff to advertise another line of credit. Something to have in our back pocket, if we need it. You never know when there will be an emergency. We've already requested proposals for a line of credit and Farmers Bank of Appomattox submitted the lowest proposal of \$2.5 million for 12 months with an interest rate of 2.25%. Again, I'd like to have this handy if the Town needs it.

ACTION ITEM:

On a motion by Ms. Spiggle, seconded by Mr. J. Garrett, Council voted to advertise a public hearing for a new line of credit for \$2.5 million dollars with Farmers Bank of Appomattox for 12 months at an interest rate of 2.25%. All members present voting aye. Motion carried 5-0.

- He received a letter from the Appomattox Volunteer Fire Department seeking the Town's donation of an enclosed utility trailer. The utility trailer was declared surplus by the Town previously. It is an 8 ½ x 16-foot covered trailer, with a negotiating price of \$3,000.

Mr. J. Garrett and Mr. T. Garrett both requested to abstain from voting on this matter.

This item will be moved to the next regular meeting.

- Mr. Shanaberger will be organizing a meeting of the ROSE Project, Inc. committee in the next few weeks.

On a motion by Mr. Boyce, seconded by Mr. J. Garrett, Council voted to adjourn at 7:45 pm. All members present voting aye. Motion carried 5-0.

Roxanne W. Casto, MMC
Clerk of Council

Paul D. Harvey, Mayor