

The Appomattox Town Council held a regular council meeting on Tuesday, October 12, 2010 at 7:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey presiding.

Members present: Timothy W. “Timmy” Garrett, C. Lewis McDearmon, Jr., Mary Lou Spiggle, N. H. “Jimmy” Mayberry, Steven T. “Steve” Conner and Joyce B. Bennett.

Others: Bill and June Goodrich, Stephanie James, Chad Millner, Reed Johnson, National Park Service; Tom Walton, Delta Response Team and Roxanne Paulette, Clerk of Council.

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

Rev. Carlton Duck delivered the invocation.

Mayor Harvey led the Pledge of Allegiance.

On a motion by Councilmember Garrett, seconded by Councilmember McDearmon, Council voted to approve the consent agenda with the removal of NB #4 – *Consideration to accept the recommendation of the Finance Committee to authorize the Town Treasurer to pursue financing for expenses related to our share of the STAG grant projects with BB&T, not to exceed \$650,000. It also requests that the Town Treasurer be authorized to secure bond counsel for the financing with BB&T.* All members present voting aye. Motion carried.

Public Comments – Mr. Reed Johnson, Superintendent, National Park Service appeared before Council at the direction of the Northeast Region to express a desire to be included in the proposed boundary line adjustment near the Museum of the Confederacy property on Route 24.

Mayor’s Comments – Mayor Harvey thanked the Railroad Festival Committee and volunteers for another success event. Mr. Conner also commented on the great job cleaning up the town before and after this year.

Public Appearances – none.

Unfinished Business – none.

New Business –

On a motion by Councilmember Mayberry, seconded by Councilmember Conner, Council voted to table NB#1 – *Consideration to accept the recommendation of the Appomattox County Planning Commission to amend the Zoning Ordinance to include the following definition for safety services, private: Uses for the conduct of safety and emergency services for the primary benefit of the public; privately owned and operated, including medical and ambulance services* and NB #2 – *Consideration to approve a Conditional Use Permit for Delta Response Team, LLC to operate an ambulatory service in an M-1, Industrial District until the October 26, 2010 Workshop Meeting, pending the submission of a letter of acceptance/permission by the property owner, Mr. Fred Jones.* All members present voting aye. Motion carried.

On a motion by Councilmember Conner, seconded by Councilmember Spiggle, Council voted to adopt the following resolution:

WHEREAS, the Department of Human Resource Management of the Commonwealth of Virginia (hereinafter referred to as the "Department"), has established the Health Benefits Program (hereinafter referred to as the "Program") effective July 1, 1990, and

WHEREAS, the Governor has approved such Program; and

WHEREAS, pursuant to 2.2-1204 of the Code of Virginia, local employers may, by making proper application and complying with the regulations governing the Program, participate in the Program; and

WHEREAS, the Town of Appomattox (hereinafter called the "Employer") is eligible to participate in the Program and become a party to any agreements established to carry out the funding of the Program, and wishes to adopt said Program for the benefit of its eligible employees, and to become a party to said agreements;

NOW, THEREFORE, by this instrument of writing, effective as of October 12, 2010, the Employer, acting herein by and through its duly authorized representatives, hereby adopt the Program for all of its eligible employees and subscribes to the provisions of the regulations and all agreements related thereto by and between the Department and any third party, effective November 1, 2010, all in accordance with the following:

(1) The Employer agrees to comply with the regulations governing the Program and the duties of Employers set forth therein. These duties include by are not limited to the following:

- ✓ Complete an employer application and execute an adoption agreement;*
- ✓ Remit employer and employee contributions to the Department or its designee as set forth in regulations;*
- ✓ Provide employees with enrollment forms, process and certify the same;*
- ✓ Serve as a channel of communication between the Department and employees;*
- ✓ Otherwise assist in administration of the Program as requested by the Department.*

(2) The employer agrees to be bound by all the terms, provisions, conditions and limitations of the Program and any agreements which are pertinent to any entity defined as an "Employer" therein, with respect to its employees eligible for participation in the Program.

(3) The Employer agrees that the Department of Human Resource Management shall act as Plan Administrator for the Employer and its employee-participants under the Program in the same manner in which the Department acts for state employee-participants.

(4) The Employer agrees to provide 90 days notice to the Department in the event it wishes to cease participation in the Program. The Employer shall be obligated to pay any and all contributions otherwise required through the date of termination and interest related thereto as

well as any adverse experience adjustment which may apply with respect to the year the termination occurred.

(5) The Employer understands and agrees that non-payment of contributions shall be considered a breach of the adoption agreement and the employer may be obligated to pay damages. In the event that the Employer terminates participation, such termination can only be prospective and the employer shall be obligated to pay the greater of past contributions or actual claims incurred during such period and any interest and damages that may be associated with such non-payment. In no event will be Department return to the Employer contributions made for ineligible employees.

(6) The Employer agrees to furnish from time to time such information with reference to its employee participants as may be required by the Plan Administrator.

(7) The Employer agrees to reimburse the Department for expenses or settlement incurred by the Department as a result of any employee's bringing a cause of action based on the Employer's disregard of the regulations or violation of this adoption agreement.

(8) The Effective Date of the Program shall mean, in regard to the Employer and its employee-participants.

IN WITNESS WHEREOF, this agreement has been executed on behalf of the Employer, and its seal hereunto affixed by its duly authorized representatives on this ____ day of _____, 20 ____.

All members present voting aye. Motion carried.

On a motion by Councilmember Conner, seconded by Councilmember Mayberry, Council voted to table the request of the National Park Service for inclusion in the boundary line adjustment until the Town hires a Town Manager who can gather more information and present such information to the Council. All members present voting ay. Motion carried.

On a motion by Councilmember Bennett, seconded by Councilmember Spiggle, Council voted to empanel a Property Maintenance Investigation Board. The board shall consist of Marvin Mitchell (Planning Commission), Lonny Hamlett (County Fire Marshall/Building Inspector) and Todd Milton (Contractor). The board will serve in accordance with Section 71-3 of the Code of the Town of Appomattox. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to proceed with a Utility Committee meeting to review the proposals submitted for consideration under the Engineering Services Basic Ordering Agreement. All members present voting aye. Motion carried.

On a motion by Councilmember McDearmon, seconded by Councilmember Garrett, Council voted to convene in Closed Session to pursuant to §2.2-3711 (A) 6 of the Code of Virginia, 1950, as amended, for the purpose of discussion or consideration of the investment of public funds

where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, specifically being discussion of prospective consulting services to be provided as more fully described in the request for proposal advertised on October 4, 2010 and §2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of discussion of the performance of a specific public employee of the Town, specifically being Employee A.

Vote: Garrett – aye, McDearmon – aye, Spiggle – aye, Mayberry – aye, Conner – aye, Bennett – aye.

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 meeting 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.

Vote: Garrett – aye, McDearmon – aye, Spiggle – aye, Mayberry – aye, Conner – aye, Bennett – aye.

On a motion by Councilmember Mayberry, seconded by Councilmember McDearmon, Council voted to enter into an agreement with MRG Consulting, LLC as an administrative consultant for the Town and Mayor Harvey being authorized to sign the agreement. All members present voting aye. Motion carried.

Council gave consent to add an additional agenda item.

On a motion by Councilmember Conner, seconded by Councilmember Spiggle, Council voted to authorize advertising a public hearing for the amended Landscaping Ordinance, pending legal review. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Conner, Council voted to adjourn at 9:30 p.m. All members present voting aye. Motion carried.

Roxanne W. Paulette
Clerk

Paul D. Harvey
Mayor