

The Appomattox Town Council held a regular council meeting on Monday, December 13, 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: Roxanne W. 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.

The Appomattox Town Council recognized Appomattox Volunteer Fire Department members Daniel Rago and Benny Harvey. The Appomattox Town Council gave Mr. Rago and Mr. Harvey a proclamation and plaque recognizing their heroic actions in saving the life of Jim Mitchell on October 16, 2010.

On a motion by Councilmember McDearmon, seconded by Councilmember Garrett, Council voted to approve the consent agenda of December 13, 2010 as presented. All members present voting aye. Motion carried.

Public Comments – Mr. Jimmy Lakes of the Thomasville Company appeared before Council to request their assistance in supporting the efforts of the community in attracting Ashley Furniture to Appomattox.

Mayor’s Comments – Mayor Harvey thanked Mr. Lakes for his comments and assured the public that a letter of support was being sent to Ashley Furniture. Mayor Harvey also thanked the people who put on the Community of Candles event this year. On behalf of Town Council, he wished everyone a wonderful holiday season.

Public Appearances –

Rick Butler, Virginia State Forester appeared before Council to provide an update on the 2010 year of the Appomattox Town Tree Board. The major goal of the board is to obtain a Tree City USA designation. A complete copy of his report is on file with the Town Clerk.

Gary Christie, Executive Director, Region 2000 Local Government Council appeared before Council to provide an overview of the services Region 2000 Local Government Council provides to Towns such as Appomattox. In addition, Mr. Christie encouraged Council to appoint a private sector business person to work on the CEDS committee. There are about 50 individuals (from the Region) who attend the meetings. A seat has been saved at the table for the Town of Appomattox. Region 2000 is willing to contact the business person from the private sector on the Town’s behalf. Region 2000 LGC works with the Regional Radio Board, Regional Service Authority (Landfill). In 2011, the Campbell County landfill will be opened. The Region 2000

Local Government Council also assists with the Hazardous Mitigation Plan, Metropolitan Planning Organization, completed a long range transportation plan, planning and grant writing abilities including the Safe Routes to School grant. The Region 2000 Local Government Council works with the Workplace Investment Board, increased Regional services such as Libraries, Purchasing Agents and Human Resource Directors to better use resources throughout the region.

Bryan David, Executive Director, Region 2000 Economic Development Council gave a brief overview of the partnership. He provided material for council to peruse. Mr. David represents the Economic Development Council with 30 individuals from businesses, local government and higher education. The technology council represents a group that focus' on their business and an opportunity to impress engineering on Middle School age children. The Workforce Investment Board is also working very hard to keep businesses in the region. The Region 2000 Economic Development Council has been recognized for their collaboration.

Council thanked Mr. Christie and Mr. David for their presentation.

#### Unfinished Business –

On a motion by Councilmember Mayberry, seconded by Councilmember Conner, Council voted to repeal Chapter 15 of the Appomattox Town Code, entitled Economic Development Authority Board. All members present voting aye. Motion carried.

The Council discussed the Bylaws and Rules of Procedures originally adopted in July 2008. The Workshop Meeting should be returned a less formal meeting with discussion only. The agenda should also be prepared and distributed closer to the meeting night. There was much discussion regarding the citizen comment period section changes.

At the request of Councilmember Mayberry, Council agreed to table the changes to the Bylaws and Rules of Procedures of the Appomattox Town Council until the January 10, 2011 Regular meeting to allow Mr. Gillespie an opportunity to explain the changes to the Citizen Comment Period section of the Bylaws and Rules of Procedure.

#### New Business –

AN ORDINANCE TO AMEND the Code of the Town of Appomattox, Zoning Ordinance by revising certain provisions of the Zoning Ordinance text, as described in the following paragraphs.

BE IT ORDAINED by the Council of the Town of Appomattox as follows:

Section 1. Section 1 of Chapter 195, Definitions, of the Code of the Town of Appomattox, is hereby amended to add the following definitions, to read as follows:

Add in Section 195-1-Definitions:

**Buffer:** An area of land, including natural vegetation, evergreen landscaping, fencing or a combination of fencing, earthen berms and landscaping.

**Caliper:** Trunk diameter measured six (6) inches from the ground. If the caliper is greater than four (4) inches, the measurement shall be taken twelve (12) inches from the ground.

**Capped:** The placement of a landscape island so that each end of a parking bay or parking row has a landscape island at each end.

**Cinderblock, Unadorned:** A concrete masonry block lacking decorative embellishments on the face side.



Cinderblock, Unadorned

**Decorative Fencing:** Fencing such as wrought iron, split rail, wood board, aluminum or masonry or the equivalent as determined by the Zoning Administrator. Chain link fence or unadorned cinderblock shall not be considered decorative fencing.

**Evergreen Tree:** A tree that grows to a mature height of at least twenty (20) feet and has foliage that persists and stays green throughout the year.

**Ground Cover:** Any evergreen or broadleaf plant that does not generally attain a mature height of more than one (1) foot, characterized by a growth habit in which the plant spreads across the ground to connect with other similar plants forming a continuous vegetative cover on the ground. Sod and seeding shall be considered an appropriate ground cover.

**Landscape Island:** An area containing required landscaping and being not less than one hundred sixty-two (162) square feet for a parking row and three hundred twenty-four (324) square feet for a parking bay.

**Mulch:** A protective covering, usually of organic matter placed around plants to prevent evaporation, root freezing and weed growth.

**Ornamental Tree:** Deciduous tree that grows to a mature height of less than thirty (30) feet with flowering or other distinguishing characteristics.

**Parking Bay:** Two (2) parking rows abutting one another.

**Parking Row:** One (1) single line of parking spaces.

**Redevelop:** To materially alter the existing use or condition of a property. Routine repairs and maintenance shall not be considered redevelopment.

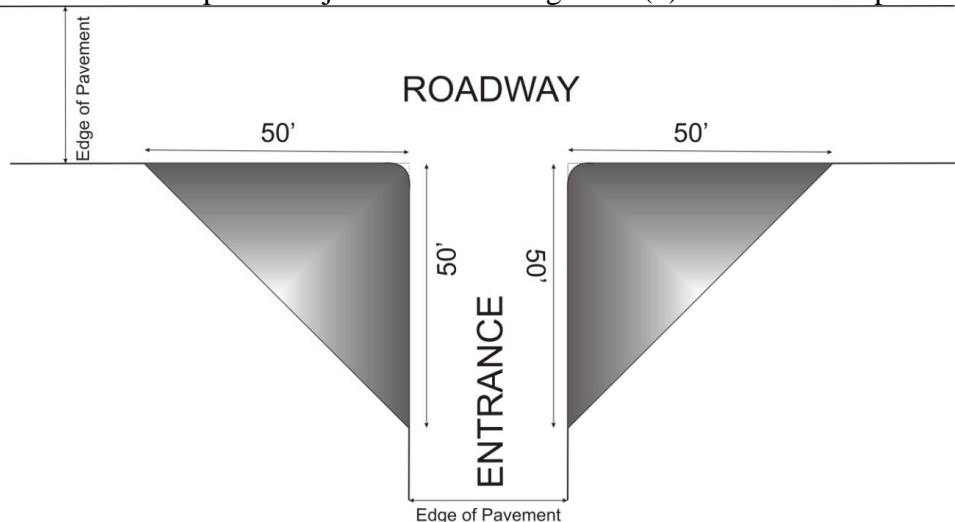
**Rip Rap:** A permanent, large, loose angular stone generally used for erosion and sediment control in concentrated high velocity flow areas.

**Road Frontage:** Number of linear feet of a property which front on a public street, private street or internal access road.

**Screening:** A method of visually shielding or obscuring items such as a structure, receptacle, parking area, equipment or stormwater management pond with densely planted landscaping, or a combination of landscaping, berms solid fences and/or walls.

**Shade Tree:** Deciduous tree that grows to be more than thirty (30) feet at maturity and that is planted chiefly to provide shade from sunlight.

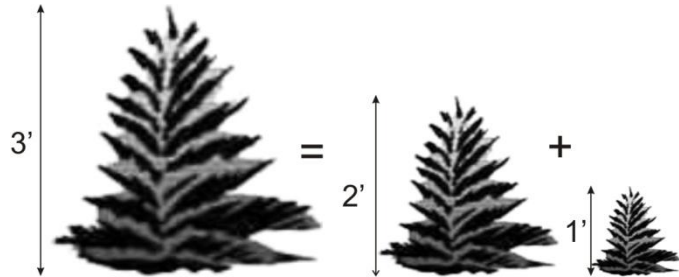
**Sight Distance Triangle:** A triangular shaped area located on both sides of the intersection of a driveway with a public roadway, designed and maintained to allow for a clear line of sight, and being a straight line with unobstructed view measured fifty (50) feet along the edge of pavement lines from their points of junction and being three (3) feet above the pavement edge.



Site Distance Triangle

**Shrub:** A woody plant deciduous or evergreen that generally exhibits several erect, spreading stems with a bushy appearance and that grows to a height of no more than fifteen (15) feet.

**Shrub Equivalent:** The substitution of lesser height shrubs in greater numbers for one (1) taller shrub. Shrub equivalents shall be permitted only where specifically provided within this ordinance and the total combined height of the lesser height shrubs shall be equal to than the height of the one (1) taller shrub for which they are substituted.



One (1) three (3) foot shrub = One (1) two (2) foot shrub + one (1) one (1) foot shrub



One (1) three (3) foot shrub = Three (3) one (1) foot shrubs

**Slope:** Any area of land where the surface deviates from the horizontal.

**Topping:** An inappropriate practice of making heading cuts through a stem more than two (2) years old that drastically reduces tree height, destroys tree architecture and results in discoloration, decay of the cut stem, or death of the tree.

### Severability

Should any portion or provision of this ordinance be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the ordinance as a whole, or any part of the ordinance other than the part held to be unconstitutional or invalid.

### Section 2. Effective Date

This ordinance is effective December 13, 2010.

After reviewing the public testimony, the public record, the Planning Commission's recommendation, and the goals and objectives of the County's Comprehensive Plan, Councilman Conner made a motion, seconded by Councilman Spiggle, Council voted to amend and readopt the Town of Appomattox Zoning Ordinance by revising certain provisions of the zoning ordinance text as described in the attached ordinance.

Voting YES: Garrett, McDearmon, Spiggle, Mayberry, Conner, Bennett.

Voting NO: None.  
Absent: None.

AN ORDINANCE TO AMEND the Code of the Town of Appomattox by deleting and repealing Chapter 195, Article XII, Sections 119-132, and replacing it with a new Chapter 195, Article XII, Sections 119 et seq. , to be entitled Landscaping, by revising certain provisions of the Zoning Ordinance text, as described in the following paragraphs.

BE IT ORDAINED by the Council of the Town of Appomattox as follows:

Section 1. Chapter 195 of the Code of the Town of Appomattox is hereby amended to delete and repeal Chapter 195, Article XII, Sections 119-132, to be known as Chapter 195, Article XII, Section 119 as follows:

**Delete Article XII Landscaping Zoning Ordinance Sections 195-119 through 195-132 and reenact as § 195-119 LANDSCAPE REGULATIONS, et seq.**

**§195-119.1 Intent**

It is the intent of this article to promote the public necessity, convenience, general welfare, and good zoning practice by incorporating landscaping, screening, and buffering requirements into the site development plan process. The goals are to provide landscaping requirements that will ensure development consistent with the goals of the community development plan, reduce soil erosion, increase infiltration in permeable land areas to improve stormwater management, mitigate air, dust, noise, and chemical pollution, protect property values, and provide buffers between incompatible uses. It is further the intent of this article to preserve the existing natural vegetation as an integral part of the Town and to ensure that the Town continues to be an attractive place to live, work, and visit.

**§195-119.2 Severability**

If any provision of the zoning ordinance regulating landscaping is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of the zoning ordinance regulating landscaping and all such provisions shall remain in full force and effect.

**§195-119.3 Applicability**

- A. The provisions of this article are applicable to the development or redevelopment of any property after the effective date of this ordinance and located in an R-1, R-2, B-1, MHP-1, and M-1 zoning district, downtown sign district, or to any use requiring a conditional use permit approval.

- B. When an existing use is expanded, enlarged, or redeveloped, only those portions of the property subject to the expansion, enlargement, or redevelopment are subject to the provisions of this section of the ordinance.
- C. It is not the intent of this ordinance to regulate landscaping for single-family dwellings or two-family dwellings.

**§195-119.4                    General Requirements**

- A. Landscaping within a sight distance triangle shall not include any evergreen trees, and shall not include shrubs exceeding three (3) feet in height above the ground at maturity. Tree limbs in a sight distance triangle shall be raised to ensure visibility for motor vehicle safety.
- B. When a calculation of the number of required trees and/or shrubs results in a fractional amount, the fraction shall be rounded up to the next whole number.
- C. Existing vegetation within the development area is encouraged to be retained and may be used to meet all or part of the landscaping requirements. No tree or shrub less than three (3) inch calipers shall be counted when utilizing existing vegetation.
- D. All landscaped areas shall be covered with an appropriate ground cover, mulch, or decorative landscape stone. The use of gravel and/or riprap is discouraged.
- E. All slopes shall be covered with an appropriate ground cover. The use of riprap as groundcover on slopes visible from the public right of way is discouraged.
- F. All trees and/or shrubs used to satisfy this ordinance shall be of native origin. No tree, shrub or groundcover contained on the invasive alien plant species of Virginia list as maintained by the Virginia Department of Conservation and Recreation (DCR) may be used to satisfy the requirements of this ordinance.

**§195-119.5                    Landscaping Plan Required**

A landscaping plan shall be required of all new development or redevelopment of property within the Town for commercial or industrial purposes. Multi-family residential dwelling developments shall be considered commercial for the purposes of this ordinance.

A landscaping plan shall contain the following information:

- A. The location, size, height of planting, and botanical name of all required landscaping.
- B. The location, size, and botanical name of any existing vegetation proposed to be used to satisfy any portion of this ordinance.
- C. The dimensions of all landscaped areas and islands.

- D. A planting schedule, including any fertilizer or soil amendment to be used.
- E. A general statement regarding the perpetual maintenance of the landscaping.

**§195-119.6 Sign Area Landscaping**

For freestanding signs, landscaping shall be required around the sign base. Landscape plantings shall be a minimum of one (1) small shrub per ten (10) square feet of sign area. Plantings should be grouped creatively to enhance the aesthetic appearance of the freestanding sign structure.

**§195-119.7 Foundation Plantings**

- A. All sides of multi-family, commercial, or industrial buildings which are visible from the public right of way or visible from an adjacent residential use type, shall be landscaped with foundation plantings as follows:
  - a. One (1) large shrub per ten (10) feet of building frontage;
  - b. Two (2) small shrubs per ten (10) feet of building frontage;
  - c. Plantings are encouraged to be placed in creative groupings along the perimeter of the building;
  - d. Variances shall be granted if the zoning administrator finds unfavorable topography or other physical impairments of the parcel render compliance impractical.

**§195-119.8 Utility Screening**

- A. Loading areas, refuse areas, storage yards, stormwater management facilities, HVAC equipment, water vaults, or other objectionable items shall be screened from view of any public right of way or any adjacent residential use type.
- B. Stormwater management facilities intended to be displayed as a water feature or naturalized planting areas are exempt from screening requirements.
- C. Screening may be accomplished by any combination of existing evergreen vegetation, walls, fences, earthen berms and/or new evergreen vegetation appropriate to screen the equipment or activity. The required height of screening at installation shall be sufficient to screen the equipment or activity.
- D. The use of chain link fence as the sole method of screening is prohibited.

**§195-119.9                      Buffering**

- A. In all instances where commercial use type, industrial use type, multi-family dwelling use type, or parking area is located adjacent to any residential use type, a vegetative evergreen buffer shall be established on the property for which said buffer is required.
- B. Where required, the buffer area shall be a minimum of twenty (20) feet in width extending along the entire length of the development area and shall generally be required along the property line unless topographic or other considerations would make it more effective located back from the property line.
- C. The vegetative buffer shall consist of a staggered row of evergreen trees. Shrubs may be used as supplemental filler if necessary. The evergreen tree material shall be a minimum of four (4) feet in height at the time of planting. The evergreen tree line shall be planted in rows fifteen (15) feet apart and staggered ten (10) feet on center. An earthen berm may be used as well. The earthen berm shall vary in height and width and shall be curvilinear in form and provide a gentle tie-in with the existing grade. On average the height of the earthen berm should be three (3) feet in height.
- D. Existing vegetation may be used to satisfy this requirement. Supplemental evergreen material may be needed to meet the buffering requirements. The need for additional evergreen material shall be at the discretion of the zoning administrator.
- E. No proposed building, building addition, structure, parking area or other physical land improvement shall be located in the buffer area.

**§195-119.10                      Installation Guidelines**

- A. The planting of trees and shrubbery shall be installed in accordance with the standard landscaping specifications of the Virginia Society of Landscape Designers and/or the Virginia Chapter of the American Society of Landscape Architects.
- B. Landscaping required by this ordinance shall be planted during an opportune planting season, and shall be in place and in good condition prior to occupancy or the owner/developer may provide a guarantee in a form acceptable to the Town that ensures installation. Said guarantee shall be equal to the cost of the installation remaining to be installed. A bona fide cost estimate on company letterhead issued by a recognized landscaping firm or nursery shall be provided along with the guarantee as verification of the guarantee amount.
- C. All landscaping included in the guarantee shall be installed, inspected, and approved within six (6) months of acceptance of the guarantee.

D. If during times of severe drought or water emergency, the owner/developer may request in writing an extension of the time period allowed for planting any required landscaping. The zoning administrator may permit the delayed installation at his/her discretion. Upon declaration of the end of said drought or water emergency, the owner/developer shall be required to install the required landscaping within six (6) months.

**§195-119.11 Maintenance**

Required landscaping shall remain alive and in good condition in perpetuity. The property owner shall be responsible for the ongoing protection and maintenance of all required landscaping in a manner consistent with the approved site development plan.

**§195-119.12 Alternative Landscape Plan**

Upon written request, the Town Council may approve an alternative layout to the required landscaping provided that the spirit and intent of the ordinance is preserved and the goals of this section are assured.

**Section 2. Effective Date**

This ordinance is effective December 13, 2010.

After reviewing the public testimony, the public record, the Planning Commission's recommendation, and the goals and objectives of the County's Comprehensive Plan, Councilmember Spiggle made a motion, seconded by Councilmember Conner, Council voted to amend and readopt the Town of Appomattox Zoning Ordinance by revising certain provisions of the zoning ordinance text as described in the attached ordinance.

Voting YES: Garrett, McDearmon, Spiggle, Mayberry, Conner, Bennett.

Voting NO: None

Absent: None

On a motion by Councilmember Garrett, seconded by Councilmember McDearmon, Council to authorize Mayor Harvey to execute an amendment to Consultant Services Agreement between the Town of Appomattox and MRG Consulting, LLC. All members present voting aye. Motion carried.

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

*RESOLUTION OF SUPPORT  
DEPARTMENT OF MOTOR VEHICLES  
DMV SELECT OFFICES*

*WHEREAS, the Department of Motor Vehicles – Appomattox DMV Select office, provides a convenient means of conducting vehicle related transactions for citizens of Appomattox County and surrounding localities; and*

*WHEREAS, there is a need within Appomattox County and surrounding localities to retain this service as convenient as possible; and*

*WHEREAS, the Appomattox DMV Select office is conveniently located between Farmville and Lynchburg, Virginia and serves rural localities and those who work or travel through them; and*

*WHEREAS, the Town of Appomattox, a locality within the Commonwealth of Virginia is also increasingly aware of budget restraints and cutbacks, this DMV Select service is vital to this area as it provides intangible services to Appomattox;*

*NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF APPOMATTOX that the Town wholeheartedly supports the continuation of DMV Select offices throughout the Commonwealth of Virginia including Appomattox.*

Voting on the motion was as follows:

AYES: Bennett, Conner, Garrett, McDearmon, Mayberry, Spiggle.

NAYES: None.

Motion carried.

On a motion by Councilmember Garrett, seconded by Councilmember Mayberry, Council voted to hold a Council Work Session on Friday, December 17, 2010 at the Olde Frozen Food Locker, 263 Court Street, Appomattox, Virginia beginning at 8:00 a.m. All members present voting aye. Motion carried.

On a motion by Councilmember Bennett, seconded by Councilmember Mayberry, Council voted to cancel the Workshop meeting of December 28, 2010. All members present voting aye. Motion carried.

Council Concerns – None.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to adjourn at 8:25 p.m. All members present voting aye. Motion carried.

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Roxanne W. Paulette  
Clerk

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Paul D. Harvey  
Mayor