

# Monday, February 8, 2010

Agenda – Page 1 of 2

## Closed Session

6:30 p.m.

1. Pursuant to §2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of discussion of the resignation of a specific public employee, specifically being Employee A.
2. Pursuant to §2.2-3711 (A) 7 of the Code of Virginia, 1950, as amended, for the purpose of consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, such specific legal matters being a potential claim from Fielder's Choice Enterprises, Inc. for repair work at the Appomattox Water Reclamation Facility Structural Modifications.

## Regular Meeting

7:30 p.m. – Call to order and welcome to visitors

7:30 p.m. – Invocation

- I. **Adoption of the Consent Agenda**
  - a. **Agenda dated February 8, 2010**
  - b. **Minutes of the January 11, 2010 Regular Council Meeting**
  - c. **Minutes of the January 26, 2010 Workshop Meeting**All matters listed under consent agenda are considered routine by the council and will be approved or received by one motion in the form listed. Items may be removed from the consent agenda for discussion under the regular agenda upon motion of any council member and duly seconded.
- II. **Consideration of Closed Session items**
- III. **Public Comments**
- IV. **Mayor's Comments**
- V. **Appearances/Presentations**
- VI. **Unfinished Business**
- VII. **New Business**
- VIII. **Appointments to Boards, Commissions and Committees**

# **Monday, February 8, 2010**

**Agenda – Page 2 of 2**

**IX. Pending Matters**

**X. Council Concerns**

**XI. Adjournment**

1 | Regular Council Meeting  
Monday, January 11, 2010

The Appomattox Town Council held a regular council meeting on Monday, January 11, 2010 at 7:30 pm at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey presiding.

Members present: Bryan J. Baine, N.H. "Jimmy" Mayberry, C. Lewis McDearmon, John T. "Plicky" Williams, Jennifer Jamerson-Scruggs. Absent: Karl E. Carter.

Others: Paul Kvasnicka, Richard C. Wilson, Chad Millner, Bill Goodrich, June Goodrich, Mary Lou Spiggle, Stephanie James, Hazel Thomas, Barbara Shelton, Clifford Harvey, Bart S. Van Nieuwenhuise, Town Manager and Roxanne W. Paulette, Town Clerk.

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

Pastor Paul Kvasnicka gave the invocation.

On a motion by Councilmember Jamerson-Scruggs, seconded by Councilmember Williams, Council voted to adopt the consent agenda of January 11, 2010 as presented. All members present voting aye. Motion carried.

Public Comments –

Richard C. Wilson, 514 Gum Branch Road, Appomattox, Virginia –

It is very disturbing to read about Council's concern over the brick façade of the front of the store. I have been in Appomattox since the early 80's and has been fighting to get Wal-Mart here. There are many people who need jobs and food to eat and the color and style of the Wal-Mart should not matter. The Town should be trying to get businesses here to keep Appomattox growing and keep families here.

Mayor's Comments –

Mayor Harvey thanked Carla Moore for her service to the Town. Carla resigned effective January 1, 2010. Mayor Harvey also wished Mr. Karl Carter a continued speedy recovery.

Unfinished Business –

An update on the Student of the Month program was provided Ms. Jamerson-Scruggs. She contacted Mr. David Reed, Assistant Principal at Appomattox County High School and Mrs. Martha Eagle, Principal at Appomattox Middle School. Both are excited and would be grateful to work with the town on the project.

Mr. Mayberry asked if anyone had contacted the school board?

Ms. Jamerson-Scruggs responded that the school board is concerned with the budget and policy.

Mr. Mayberry said he thinks it is a good idea but thinks the school board should approve it.

Ms. Jamerson-Scruggs stated that she believes the principals are acting within their authority.

Mr. McDearmon asked Ms. Jamerson-Scruggs if she was proposing to implement the program at the High School, the Middle School or both?.

Ms. Jamerson-Scruggs responded both or alternating between the two schools.

Mr. McDearmon said that if two students were chosen each month we'd need to two plaques.

Ms. Jamerson-Scruggs said that would be correct.

Mr. Mayberry said he thinks we are just opening the door for future requests.

Ms. Jamerson-Scruggs reminded Council that the people in authority have stated that they support the program.

Councilmember Jamerson-Scruggs made a motion to proceed with the Student of the Month program, rotating monthly between the Middle School and the High School. After much debate, the motion was seconded by Councilmember Baine. The motion was amended by Councilmember Jamerson-Scruggs and Councilmember Williams to implement the Student of the Month program, rotating between the High School and the Middle School, after sending a letter to the School Board informing them of the program and the approval by principals at each school and pending approval and/or a written response from the School Board. Vote – Baine – aye, Mayberry – aye, Williams – aye, Jamerson-Scruggs – aye, McDearmon – no. Motion carried 4 to 1.

New Business –

On a motion by Councilmember Baine, seconded by Councilmember Williams, Council voted to adopt the 2010 Appomattox Town Council meeting schedule as presented. All members present voting aye. Motion carried.

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

**A RESOLUTION TO SUPPORT CONTINUED STATE AID TO  
LOCALITIES WITH POLICE DEPARTMENTS  
(599 PROGRAM FUNDS)**

*Whereas, the Commonwealth of Virginia is considering reducing or deleting 599 program funds in the upcoming fiscal year to reflect the downward projection of revenues; and,*

*Whereas, Section 9.1-169 and 9.1-170 of the Virginia Code determines the formula for distribution of these funds; and,*

*Whereas, it is suggested that the General Assembly and Governor comply with this statute in this regard; and,*

*Now, therefore, Be It Resolved that any reductions or deletion to the 599 program greatly impacts the Town of Appomattox as allocations derived from this program are used to supplement the Town's contractual agreement with Appomattox County for police services; and,*

*Be it, Further, Resolved, that the Appomattox Town Council direct the Clerk of Council to mail a true copy of the approved Resolution to Delegate Watkins M. Abbitt, Jr. and Senator Frank M. Ruff, Jr.*

All members present voting aye. Motion carried.

Appointments to Board, Commissions and Committees -

None

Pending Matters -

None

Council Concerns -

None

On a motion by Councilmember McDearmon, seconded by Councilmember Mayberry, Council voted to adjourn at 7:52 p.m. All members present voting aye. Motion carried.

---

Roxanne W. Paulette  
Clerk

---

Paul D. Harvey  
Mayor

The Appomattox Town Council held a workshop meeting on Tuesday, January 26, 2010 at 6:00 pm at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey presiding.

Members present: Bryan J. Baine, N.H. “Jimmy” Mayberry, C. Lewis McDearmon, John T. “Plicky” Williams, Jennifer Jamerson-Scruggs. Absent: Karl E. Carter.

Others: Chad Millner, Bill Goodrich, June Goodrich, Stephanie James, Clifford Harvey, Bart S. Van Nieuwenhuise, Town Manager and Roxanne W. Paulette, Town Clerk.

On a motion by Councilmember Williams, seconded by Councilmember Jamerson-Scruggs, the Appomattox Town Council voted to convene in Closed Session, pursuant to §2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of discussion of a specific public employee, specifically being Employee A.

Vote: Baine – aye, Mayberry –aye, McDearmon – aye, Williams – aye, Jamerson-Scruggs – aye. Carter – absent.

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.

Vote: Baine – aye, Mayberry –aye, McDearmon – aye, Williams – aye, Jamerson-Scruggs – aye. Carter – absent.

Mayor Harvey called the meeting to workshop meeting to order.

Rev. Carlton Duck provided a special prayer for the Appomattox community in wake of the shooting tragedy of January 19, 2010.

There was no action as a result of the closed session.

Councilman Bryan J. Baine asked that council consider assisting Appomattox County in securing funds for the Appomattox Heritage and Recreational Trail. The grant received by the County is a 20% matching grant. The EDA easement is valued at \$25,000 leaving a balance of \$78,000 to be matched by the County. Councilman Baine requested that council consider make a donation of at least 15% of the \$78,000 which would be approximately \$11,700.00. Council agreed to discuss the request during the FY 2011 budget process.

Standing Committee Reports –

Finance Committee – Will be meeting February 10, 2010 at 4:00 p.m.

Fire & Safety – Is planning a meeting for next week.

Ordinance Committee – No report

Personnel Committee – Will be meeting February 3, 2010 at 4:00 p.m. to review applications for the position of Treasurer.

Street & Property Committee – Met on January 21, 2010 and discussed possible projects for next year.

Utility Committee – Will be meeting Thursday, January 28, 2010 at 4:00 p.m.

Updates from Staff Meeting –

Bart S. Van Nieuwenhuise, Town Manager highlighted items in the Manager's Report.

Council Concerns -

Councilman Williams noted the tourism report. Visitor Center traffic was up 23.4% year-to-date through December – Broke the 20,000 visitor mark this year with 20,767. Sales at the visitor center were up 33% over 2008 sales. "Kudos to the Tourism Department".

Mayor Harvey noted the Town Clerk's continuing education for the Master Municipal Clerks designation.

Councilman Baine thanked everyone who made donations to the Civil War Preservation Trust in order to secure the land for the Battle at Appomattox Station.

On a motion by Councilmember McDearmon, seconded by Councilmember Mayberry, Council voted to adjourn at 7:40 p.m. All members present voting aye. Motion carried.

---

Roxanne W. Paulette  
Clerk

---

Paul D. Harvey  
Mayor