

The Appomattox Town Council held a regular council meeting on Monday, July 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, Mary Lou Spiggle, N. H. “Jimmy” Mayberry, Steven T. “Steve” Conner and Joyce B. Bennett. Absent: C. Lewis McDearmon, Jr.

Others: Benny Harvey, Lucy Harvey, Nina Beasley, Bill Smith, Bill Goodrich, Stephanie James, Barbara Shelton, Fay Franklin, Ronnie Spiggle, Cliff Harvey, Hazel Thomas, Chad Millner, Stacey H. Wilkes, Town Treasurer, Frank Wright, Town Attorney, Bart S. Van Nieuwenhuise, Town Manager and Roxanne Paulette, Clerk of Council.

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

Pastor Rondel Rumburg, Sovereign Grace Baptist Church, Farmville, Virginia delivered the invocation.

Mayor Harvey led the Pledge of Allegiance.

On a motion by Councilmember Mayberry, seconded by Councilmember Bennett, Council voted to add an item for consideration – Discussion and Consideration to purchase a Street Sweeper from the Town of Farmville for a price not to exceed \$20,000.00. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to adopt the consent agenda of July 12, 2010 as presented. All members present voting aye. Motion carried.

Public Comments – none.

Mayor’s Comments – Mayor Harvey welcomed the newly elected council to the first meeting. He is looking forward to the next two years and moving forward on a lot of items.

Mayor Harvey publicly announced the Standing Committee Assignments of the new Town Council:

Finance Committee – McDearmon, Chairman; Conner, Mayberry, Spiggle  
Ordinance Committee – Conner, Chairman; Bennett, Garrett, Spiggle  
Street & Property Committee – Spiggle, Chairman; Bennett, McDearmon, Conner  
Utility Committee – Garrett, Chairman; Mayberry, McDearmon, Spiggle  
Personnel Committee – Mayberry, Chairman; Bennett, Garrett, McDearmon  
Fire & Safety Committee – Bennett, Chairman; Conner, Mayberry, Garrett

The Town Council met jointly with the Appomattox County Board of Supervisors on Friday, July 9, 2010. An outcome of that meeting was to create sub-committees for the purpose of Waterline, Museum of the Confederacy, Zoning, Tourism and Economic Development Director.

The committee assignments are as follows:  
Waterline – Garrett, Mayberry, Carter, Tanner  
MOC – McDearmon, Mayberry, Craft, Small  
Zoning – Conner, Spiggle, Conrad, Craft  
Tourism – Bennett, Spiggle, Conrad, Small  
EDD - Conner, McDearmon, Tanner, Carter

Public Appearances – none.

Unfinished Business – none.

New Business –

Mary Lou Spiggle nominated N. H. “Jimmy” Mayberry as Vice – Mayor. She stated she felt like Mr. Mayberry had the most experience. There were no other nominations.

All members present voting aye. Motion carried.

Council received an application by Jamerson Real Estate, Inc. to close a portion of Autumn Lane (formerly known as Liberty Road).

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to appoint three (3) viewers to view the property and report to council on the request by Jamerson Real Estate, Inc. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Bennett, Council voted to authorize advertising a public hearing to be held on Monday, August 9, 2010 at 7:00 p.m. to hear citizen comments regarding the request by Jamerson Real Estate, Inc. All members present voting aye. Motion carried.

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

### ***Resolution of Commitment***

***Whereas, the Town of Appomattox and the County of Appomattox have been discussing the future water needs of the community for numerous years; and***

***Whereas, the Town desires to cooperate with the County to the extent that it is mutually beneficial to the citizens of the Town and the County; and***

***Whereas, the County has decided to create a public water system beginning with the construction of the Route 460 Waterline; and***

***Whereas, the County has previously stated its intention to fund 100% of the construction of the Route 460 Waterline; and***

*Whereas, the County has previously stated its intention to own the Route 460 Waterline; and*

*Whereas, the County is currently pursuing funding through multiple sources and those efforts will be greatly enhanced by the participation of the Town, and*

*Whereas, the Town and County agree to jointly negotiate any outstanding items in contract discussions with Campbell County Utilities and Service Authority; and*

*Whereas, the Town and County agree to pursue a Memorandum of Understanding concerning the operations and maintenance, to include but not limited to billing, inspection, testing, maintenance, and overall system administration; and*

*Whereas, the Town agrees, upon completion of the Route 460 Waterline, to cease operation of its current well-system, except in cases of emergency;*

*Now, therefore be it resolved, the Town Council of Appomattox hereby agrees to become a customer of the County of Appomattox for purposes of public water consumption and distribution; and*

*Be it further resolved, the Town Council will utilize the Route 460 Waterline for 100% of its source water, so long as said source is provided by Campbell County Utilities and Service Authority or at some point in the future, the Town and County jointly agree to develop an alternative surface water source.*

All members present voting aye. Motion carried.

Mayor Harvey read the term sheet for the Confederate Memorial Literary Society (“MOC”) – Town of Appomattox (“Town”) – Fred H. Jones (“Jones”) – Acquisition of 8.131 Acres (the “Property”) Located in Appomattox County by MOC from Jones

- Jones conveys 6.131 acres to MOC for \$425,000 when MOC is prepared to break ground for Appomattox Museum (“Ground Breaking”) and donates adjacent 2.0 acres to MOC, claiming charitable contribution for fair market value of 2.0 acres.
- MOC purchases the 6.131 acres from Jones with portion of \$5,325,000 loan (the “Loan”) from Rural Development Bank (“RDB”).
- Repayment of the Loan by MOC to RDB is secured by a first lien deed of trust (the “Deed of Trust”) encumbering the Property (including any improvements).
- Prior to Closing, Town executes agreement in favor of MOC to provide water and sewer service to Appomattox Museum and the rest of the Property, including all hookup, service, usage and other fees (“Water and Sewer”) until value of Water and Sewer provided by Town equals \$325,000, after which time MOC will be charged the Town’s usual and customary rates for such service.
- Town pays \$25,000 (reduced by supporting costs such as legal fees paid directly by Town related to transaction) to MOC on or before August, 2011.

On a motion by Councilmember Mayberry, seconded by Councilmember Conner, Council approved the Town Attorney to move forward with discussing a specific agreement with the Museum of the Confederacy Attorney on all items except the last bullet item as it will be stricken from the term sheet. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to amend the General Fund budget for the Public Works Department to increase by \$20,000.00 to be funded by un-appropriated fund balance to purchase a Street Sweeper from the Town of Farmville for a price not to exceed \$20,000.00. All members present voting aye. Motion carried.

On a motion by Councilmember Garrett, seconded by Councilmember Spiggle, Council voted to convene in Closed Session to pursuant to §2.2-3711 (A) 1 of the Code of Virginia, 1950, as amended, for the purpose of discussion of the performance of specific public employees of the Town, specifically being Employee A and B.

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

Consideration of Closed Session matters:

Council voted to authorize the Chairman of the Personnel Committee to meet with Employees A & B to discuss the personnel matters regarding those same Employees A & B. All members present voted aye. Motion carried.

On a motion by Councilmember Conner, seconded by Councilmember Garrett, Council voted to adjourn at 9:10 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