

# **Monday, August 9, 2010**

## **Regular Council Meeting Agenda**

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

**7:31 p.m.** – Invocation

**7:32 p.m.** – Pledge of Allegiance

### **I. Adoption of the Consent Agenda**

- a. **Agenda dated August 9, 2010**
- b. **Minutes – July 12, 2010 – Public Hearing & Regular Meeting**
- c. **Minutes – July 19, 2010 – Special Call Meeting**
- d. **Minutes – July 27, 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. Public Comments**

### **III. Mayor's Comments**

Update on the status of various projects

### **IV. Public Appearances**

### **V. Unfinished Business**

### **VI. New Business**

- 1. Consideration to adopt a Resolution of Appointment of Individuals as Authorized Representatives for USEPA STAG Funding Application/Implementation Process

### **VII. Council Concerns**

### **VIII. Adjournment**

The Appomattox Town Council held a joint public hearing with the Appomattox County Planning Commission on Monday, July 12, 2010 at 6:30 p.m. at the Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia with Mayor Harvey presiding.

Council 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.

Planning Commission Members present: George "Spud" Almond, Chairman; Barry Morris, Kevin O'Brien, Calvin Tanner, Susan Hudson.

Others: Johnnie Roark, County Planner; Nolan Connelly, News & Advance; Jim Sefter, Mark & Sarah Marston, Barbara Shelton, Fay Franklin, Stacey H. Wilkes, Town Treasurer, Bart S. Van Nieuwenhuise, Town Manager and Roxanne Paulette, Clerk of Council.

Mayor Harvey called the public hearing to order.

Chairman Almond called the Planning Commission to order.

Mr. Almond stated the purpose of the public hearing:

CUP08004 – Mark A. Marston

Applicant desires to amend the existing conditional use permit to add an additional duplex on property identified as TM#64A5(15)BKC28 and further identified as 295/297 Lee Grant Avenue, Appomattox, Virginia. The property is zoned R-2, Residential Zoning District. The original conditional use permit was approved by the Appomattox Town Council on August 11, 2008 property on Lee Grant Avenue for a Multi-family duplex.

Mr. Marston spoke in favor of the application and was available to answer any questions.

Mr. Jim Sefter – 984 Pembroke Court, Myrtle Beach, SC  
Spoke in regards to the application indicating that the building(s) were 42 feet from the property line. He spoke to dispute that claim. Mr. Sefter said the Town of Appomattox deeded the 30 feet of right of way (Lots 27 & 61) to him in exchange for a sewer easement on the lower side of his property near the creek.

There were no other public comments.

The joint public hearing was considered closed and the Planning Commission was to reconvene at the CVCC meeting room.

On a motion by Mr. Mayberry, seconded by Ms. Bennett, Council voted to close the public hearing at 6:35 p.m. All members present voting aye. Motion carried.

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Paul D. Harvey  
Mayor

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Roxanne W. Paulette  
Clerk

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

At the Special Call Meeting of the Appomattox Town Council held on July 19, 2010 at 5:00 pm in the Council Chambers, Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia, there present were Mayor Paul D. Harvey, presiding.

Council members present: Timothy W. "Timmy" Garrett, C. Lewis McDearmon, Mary Lou Spiggle, N. H. "Jimmy" Mayberry, Steven T. Conner, Joyce B. Bennett.

Also in attendance were Bill and June Goodrich, Ronnie Lankford, Stephanie James, Nolan Connelly, Bart Van Nieuwenhuise, Frank Wright, Town Attorney, Stacey Wilkes, Town Treasurer and Roxanne Paulette, Clerk of Council.

Mayor Harvey called the meeting to order.

Mayor Harvey cited the purpose of the meeting:

1. Consider and vote on approval of requested terms of resignation of Bart S. Van Nieuwenhuise pursuant to his letter dated July 13, 2010
2. Consider and vote upon authorizing the Town Clerk to advertise for a new Town Manager pending a review and potential alteration of the job description.
3. Consider and vote upon authorizing the Town Clerk to advertise for a new Water and Wastewater Treatment Supervisor pending a review and potential alteration of the job description.

On a motion by Councilmember Mayberry, seconded by Councilmember McDearmon, Council voted to accept the resignation of Bart Van Nieuwenhuise which as tendered July 13, 2010, to compensate Mr. Van Nieuwenhuise by paying his current salary through August 15, 2010, paying him for all accrued leave in accordance with the Town of Appomattox Employee Handbook and providing his regular health insurance benefits through the Town for 90 days from the date of his resignation, and voted that Jimmy Mayberry be authorized and empowered to execute any and all documents pertaining to such resignation as may be necessary or recommended by the Town Attorney. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to authorize the Town Clerk to advertise for a new Town Manager, pending a review and potential alteration of the job description. All members present voting aye. Motion carried.

On a motion by Councilmember McDearmon, seconded by Councilmember Spiggle, Council voted to authorize the Town Clerk to advertise for a new Water and Wastewater Treatment Supervisor pending a review and potential alteration of the job description. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to adjourn at 5:10 p.m. All members present voting aye. Motion carried.

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Roxanne W. Paulette, CMC

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Paul D. Harvey, Mayor

At the Workshop Meeting of the Appomattox Town Council held on July 27, 2010 at 7:00 pm in the Council Chambers, Appomattox Municipal Building, 210 Linden Street, Appomattox, Virginia, there present were Mayor Paul D. Harvey, presiding.

Council members present: Timothy W. "Timmy" Garrett, C. Lewis McDearmon, Jr., Mary Lous Spiggle, N. H. "Jimmy" Mayberry, Steven T. Conner, Joyce B. Bennett.

Also in attendance were: Ronnie Lankford, Nina Beasley, Bill Smith, Stephanie James, Chad Millner, Cliff Harvey, Bill & June Goodrich, Hazel Thomas, Cliff Harvey, Jeff Elder, Carlton Duck, Stacey Wilkes, Town Treasurer and Roxanne W. Paulette, Clerk.

Mayor Harvey called the meeting to order.

Mayor Harvey thanked and welcomed everyone.

On a motion by Councilmember Mayberry, seconded by Councilmember Conner, Council voted to approve the amended petition for Mr. Mark Marston – Tax Map # 64A5-15-28A to additional duplex to the condition user permit approved in 2008. All members present voting aye. Motion carried.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, to refer the request of Mr. Gary Warner, Freedom Ridge, LLC to the Utility Committee for review, requesting a site plan from the requestor with his intentions and any other regulations imposed, inviting Mr. Warner to the committee meeting and we need what he's going to do in writing. The motion was withdrawn by Mr. Mayberry and Mr. Garrett.

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to refer the request of Gary Warner, Freedom Ridge, LLC to the Utility Committee. The committee will invite Mr. Warner to the meeting to gain more information and a specific written site plan. The committee will report to the entire council. All members present voting aye. Motion carried.

On a motion by Councilmember Conner, seconded by Councilmember McDearmon, Council voted to request the assistance of Appomattox County (by letter), specifically Johnnie Roark to perform Zoning Administrator and Subdivision Agent duties for the Town of Appomattox, effective immediately. All members present voting aye. Motion carried.

#### Standing Committee Reports

Finance – none.

Fire & Safety – none.

Ordinance – Mr. Conner reported that the committee met on Wednesday, July 14, 2010 to discuss the current Sign and Landscaping Ordinances. The committee will work with Mr. Roark to make the more business friendly. The committee will meet again to discuss the matter further.

Personnel – Mr. Mayberry reported that the committee met on Monday, July 26, 2010 to discuss the job descriptions of the Town Manager and Water and Wastewater Treatment Supervisor.

Street & Property -- none.

Utility – none

#### Staff Reports

Ms. Wilkes reported that the auditors will be on site August 9 and 10, 2010. She will be attending a Debt and Debt Management class on July 29 and 30, 2010. More information will be available at the August meeting.

Ms. Paulette presented her written report to Council. Two (2) items to note were the status of the STAG grant apparent low bidder notification letter from WW Associates and the written request by Jamerson Real Estate Inc. to withdraw an application to vacate a portion of Autumn Lane.

#### Council Concerns

None

On a motion by Councilmember Mayberry, seconded by Councilmember Garrett, Council voted to adjourn at 7:20 p.m. All members present voting aye. Motion carried.

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Roxanne W. Paulette, CMC

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Paul D. Harvey, Mayor

P. O. BOX 705  
210 LINDEN STREET  
APPOMATTOX, VA 24522

PHONE: (434) 352-8268  
FAX: (434) 352-2126  
www.townofappomattox.com

TOWN MANAGER  
BART S. VAN NIEUWENHUISE

*Town of Appomattox*



MAYOR  
PAUL D. HARVEY  
COUNCIL MEMBERS:  
JOYCE B. BENNETT  
STEVEN T. CONNER  
TIMOTHY W. GARRETT  
N. H. (JIMMY) MAYBERRY  
C. LEWIS MCDEARMON, JR.  
MARY LOU SPIGGLE  
CLERK OF COUNCIL  
ROXANNE W. PAULETTE, CMC

**RESOLUTION OF APPOINTMENT OF INDIVIDUALS AS AUTHORIZED  
REPRESENTATIVES FOR USEPA STAG FUNDING  
APPLICATION/IMPLEMENTATION PROCESS**

*WHEREAS*, the Town of Appomattox desires to enter into a grant agreement with the United States Environmental Protection Agency for the purpose of upgrading its water and sewer infrastructure, and

*WHEREAS*, the United States Environmental Protection Agency requires that the Town Council of the Town of Appomattox provide a list of approved representatives which will be authorized to execute official documents related to the application for and securing of federal funds from the United States Environmental Protection Agency to construct said improvements to the town's infrastructure, and

*WHEREAS*, it is the intent of the Town of Appomattox to proceed with these capital improvements recognizing that without the financial assistance of the aforementioned grant funds these improvements would not be possible.

***NOW, THEREFORE BE IT RESOLVED***, that the Town of Appomattox does hereby appoint Paul D. Harvey, Mayor for the Town of Appomattox, and N. H. "Jimmy" Mayberry, Vice-Mayor for the Town of Appomattox as its authorized representatives to execute any of the required documents relating to the USEPA STAG funding application/implementation process mentioned previously in the body of this resolution.

On a motion by \_\_\_\_\_, duly seconded by \_\_\_\_\_,  
and carried by a voice vote of \_\_\_\_\_ members, the Town Council of the Town of Appomattox hereby adopts this resolution.

SIGNED this \_\_\_\_\_ day of August 2010 by:

\_\_\_\_\_  
Paul D. Harvey – Mayor

Attested by:

\_\_\_\_\_  
Roxanne Paulette – Town Clerk