

Town Council Work Session, Tuesday, February 28, 2023

The February 2023 Work Session for Altavista's Town Council was held in Council Chambers of the J.R. Burgess Municipal Building, 510 7th Street, on Tuesday, February 28th, at 5:00 PM.

Mayor Mike Mattox called the meeting to order and presided.

Town Council

Members present: Vice Mayor Reggie Bennett
Mr. Tracy Emerson
Mr. Timothy George
Mr. Jay Higginbotham
Mayor Michael Mattox
Mr. Wayne Mitchell

Absent: Dr. Scott Lowman

Also Present: Mr. Gary Shanaberger, Town Manager
Mr. Matthew Perkins, Asst. Town Manager
Mrs. Tobie Shelton, Treasurer/Finance Director
Mr. Donald Osborne, APD Police Officer
Ms. Sharon D. Williams, Community Development Director
Mr. Tom Fore, Public Services Director
Mr. Paul Hill, Asst. Public Services Director
Mr. Jeff Arthur, Public Works Manager
Mr. John Eller, Town Attorney
Mrs. Crystal Hailey, Assistant Town Clerk

1. Agenda Adoption

Mayor Mattox asked Town Council if they had any questions, comments, or concerns in regard to the February 2023 Work Session Agenda, of which there were none.

Councilman Tracy Emerson made a motion, seconded by Vice Mayor Reggie Bennett, to approve the agenda as presented.

Motion carried.

VOTE:	Mr. Wayne Mitchell	Yes
	Mr. Tracy Emerson	Yes
	Vice Mayor Reggie Bennett	Yes
	Mayor Mike Mattox	Yes
	Mr. Jay Higginbotham	Yes
	Mr. Timothy George	Yes

2. Recognitions and Presentations

▪ Royal Oak Farm – Proposal for Soil Extraction

Due to recently being contacted by Royal Oak Farm, Councilman Tim George asked for this item to be placed on the agenda so that Town Council could receive information from Royal Oak pertaining to their desire to conduct soil extraction on a 100-acre parcel of land located at the north end of Altavista.

This item was informational only, for Town Council's consideration.

Mr. Ben Leatherland, a Wetland Biologist with Hurt & Proffitt Engineering, presented Royal Oak's proposal and gave Council an overview of their intentions for the property before, during, and after the project's completion. He explained Royal Oak's compost process: to combine extracted topsoil with their own compost product to create custom soil mixtures, used for storm water management and revegetation of roadway cuts.

As a visual reference, Mr. Leatherland shared photos and maps of the four parcels of the desired property being considered for this project. He and Royal Oak Farm's owner, Ken Newman, answered questions from Town Council pertaining to the proposal.

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Vice Mayor Reggie Bennett shared his concerns of the potential for massive dust being produced by the soil extraction and affecting the surrounding area.

Mr. Newman stated his company kept water trucks onsite to manage the dust.

Mayor Mattox asked how the site would look after the project was complete, and if Royal Oak took any measures to ensure that their projects did not cause erosion issues.

Mr. Leatherland informed Council that Royal Oak staged large soil extraction projects in small increments called “cells”; and after extraction was completed in one cell, vegetation (grass and shrubs) was planted, or it was reforested with trees, in order to reduce erosion. He stated the areas are left in good condition, sometimes better than they were before; and any roads “cut in” for the project would remain for the town’s future use, such as an additional walking/biking trail.

Mr. Leatherland stated the town could also consider allowing the land to be used as a regional stormwater retention site for flood water.

Councilman George asked if this project had been approved by DEQ (Department of Environmental Quality) and the US Army Corp of Engineers.

Mr. Leatherland stated that the project was currently considered a “conceptual plan”, with three to five more years in the development stage. He explained, when a wetland boundary was mapped/defined, and then verified by the Corp of Engineers, the verification was only good for five (5) years; so, if the site was verified now, the verification would expire before Royal Oak started the project, therefore, if Altavista allowed the project, Royal Oak would wait one to two years before the project’s start date to verify the site with the Army Corp of Engineers; and accordingly would comply with the National Clean Water Act.

Vice Mayor Bennett referenced the proposed site being in a 100-year floodplain and asked if that would cause an issue if the property flooded.

Mr. Leatherland informed Council that the bottom elevation of each extraction cell would be nine feet above the water surface of the river. He stated that the existing forest between the proposed site and the river was one hundred (100) feet wide, which was a preferable buffer for such projects.

Councilman Mitchell referenced the creek that ran through the proposed site, which was considered a “wetland”, and asked if that was an issue.

Mr. Leatherland stated there were various thresholds for permitting sites with wetlands, and all of the parcels on the proposed site contained wetlands. He said, no matter what was done with the property, it would have to comply with the US Clean Water Act.

Vice Mayor Bennett asked the estimated timeframe of completion for this project.

Mr. Leatherland answered approximately 17yrs to extract soil from the two desired parcels

Mr. Bennett asked if Royal Oak was bonded; to which Mr. Newman, owner of Royal Oak Farm, stated that his company was currently bonded with Campbell County.

Councilman Mitchell asked Mr. Newman was interested in the Altavista site, instead of sites in Campbell County.

Mr. Newman stated that he currently had a project in Campbell County, but it involved a long route, with curvy roads, back to Royal Oak Farm. He said the site proposed in Altavista had easy access in and out and better roads to travel to and from the location.

Vice Mayor Bennett asked if the project trucks would track mud out onto the main road.

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Mr. Newman stated that his company laid gravel on any “dirt” roads used to enter project sites, so there was more dust than mud. He said, if any mud does get on a main road, he has a sweeper truck remove it.

Councilman Higginbotham stated that he believed planting trees instead of grass, after the project’s completion, would be ecologically better for the adjacent river.

Mr. Leatherland stated that trees were very beneficial to water quality because trees shade water, and cooler water holds more dissolved oxygen, which is good for fish; and also, tree roots help hold soil together and cause resistance to flood water, which deters erosion.

Mr. Higginbotham asked what would happen to this property after the soil extraction project was completed.

Mr. Newman stated the land would either be given to the Town of Altavista to maintain or to a land trust for nature conservancy.

Councilman George referenced the Altavista Planning Commission’s 2023 plan to update the town’s Zoning Ordinance. He stated that he believed soil extraction was being considered for removal.

Sharon Williams, Community Development Director and Planning Commission Secretary, stated that soil extraction was being considered for removal in the M-Industrial Zoning Districts. She reminded the Town Council that they had two public hearings scheduled for their March 14th meeting, one pertaining to this matter, and requested the matter not be discussed any further until that date, to which Council concurred.

Mayor Mattox stated the presentation regarding Royal Oak Farm’s proposal was very informative. He thanked Mr. Leatherland and Mr. Newman for attending the meeting.

3. Citizen’s Time

Mayor Mattox asked if there were any citizens present that would like to come before Town Council regarding a non-agenda item; of which there were none.

4. Unfinished Items (referred from a previous meeting)

4.1 Avoca - FY2024 Budget Request for Landscaping

Background: During Town Partners and Non-prophets annual budget request presentations, Avoca Museum’s Executive Director requested \$35,769 for landscaping in their FY2024 Draft Budget request. Public Services Director, Tom Fore was asked by Town Council to provide input on Avoca's fund request for landscaping.

Assistant Town Manager Matt Perkins informed Town Council that Staff was continuing to evaluate Avoca’s request, as well as the Town’s “base line” landscaping duties for town-owned properties, in order to present Council with the best information for making their budget decision. He stated that Staff would present this information at a future meeting.

4.2 WTP Sedimentation and Solids Handling Improvement Project – Bond Counsel

Background: Town Council asked Staff to proceed with procuring the necessary services that were needed to finance the Sedimentation and Solids Handling Project. The Virginia Department of Health required advertising for bond counsel according to their procurement guidelines. The Town followed the federal guidelines and sought out MBE/WBE Bond Counsel; and the Town received two proposals.

Public Services Director Tom Fore presented Staff’s recommendation to award Hutton, Andrews, and Kurth this project.

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Mayor Mattox asked Town Council if they had any questions in regard to this item, of which there were none.

Town Council accepted Staff's recommendation and gave a unanimous consensus to authorize this item to be placed on the March 14th Consent Agenda for approval.

4.3 WTP Sedimentation and Solids Handling Improvement Project – Engineer Services

Background: Town Council asked Staff to proceed with the procuring process needed to secure engineering services for the Sedimentation and Solids Handling Project. The Virginia Department of Health required advertising for Engineering Services, according to their procurement guidelines. The Town followed federal guidelines required for funding and sought out MBE/WBE Engineering Services; and two proposals were received.

Public Services Director Tom Fore stated, after Staff reviewed the two firms, and due to their capacity to handle working on the old equipment at the Water Treatment Plant, Staff recommended awarding Dewberry Engineering Inc. for engineering services for the Sedimentation and Solids Handling Project.

Town Council accepted Staff's recommendation and gave a unanimous consensus to authorize this item to be placed on the March 14th Consent Agenda for approval.

4.4 WTP Sedimentation and Solids Handling Improvement Project – VRA Financing

Explanation:

The Town of Altavista was recently awarded financing for their Sedimentation and Solids Handling Project from the Virginia Department of Health (VDH).

Public Services Director Tom Fore stated that Staff collaborated with RT Taylor, Davenport, to review the town's VRA financing options, and recommended the 30-year financing option for the Sedimentation and Solids Handling Project.

Town Council accepted Staff's recommendation and gave a unanimous vote to authorize this item to be placed on the March 14th Consent Agenda for approval.

5. New Items for Discussion

5.1 Donation-A-Week-Neighbor (DAWN) - Environmental Testing

Background: Stantec, Altavista's environmental consultant, completed a Vapor Intrusion Assessment (VIA) for DAWN of the former Moorefield Cleaners, located at 717 7th Street, Altavista. Contaminants were found that exceeded residential and industrial standards. Stantec recommended engineering controls (vapor intrusion mitigation system, vapor barrier) be implemented to protect site users.

Community Development Director Sharon D. Williams stated that Staff was seeking Town Council's approval to authorize Stantec to create a remediation plan for contaminants found at DAWN during the aforementioned Phase II Environmental Assessment; and to fund the work (up to \$20,000) under the town's Brownfields Grant.

Ms. Williams informed Council that the town had \$137,000 remaining in the Brownfields Grant, for the use of site assessments and/or project planning, however, the grant would expire on September 30, 2023. She stated, if all funds were not allocated by that time, the town may submit a request for an extension.

Mr. Williams said, once the plan was created, Stantec recommended the town apply for a remediation grant on behalf of DAWN, at an estimated cost of \$30,000. She stated that the remediation work must occur before DAWN could occupy the building.

Councilman Mitchell asked if there had been requests from any other businesses the town could assist with utilizing the funds from the Brownfields Grant.

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Ms. Williams answered, at that time, there had not been any other requests.

Town Council authorized Staff to utilize Altavista's Brownfields Grant for Stantec to create a remediation plan for contaminants found at DAWN's new location, 717 7th Street, not to exceed \$20,000; and to place this item on the March 14th Consent Agenda.

5.2 Altavista Planning Commission – 2022 Annual Report

Explanation: The Code of Virginia requires a Planning Commission to submit an annual report to their governing body, concerning the operations of the Commission and the status of planning within its jurisdiction.

Community Development Director Sharon D. Williams presented Town Council with a brief overview of the Planning Commission's 2022 Annual Report. She informed Council that John Jordan was re-elected as Chairman, and Marie Mitchell as Vice Chair.

Ms. Williams referenced some highlights from 2022:

- Updating Altavista's Comprehensive Plan
- A Grand Opening for the town's new Spark Innovation Center
- Establishing a new Strategic Housing Plan; including Altavista's Acquire-Renovate-Sell Program

With no questions from Town Council, Mayor Mattox thanked Ms. Williams for the 2022 Planning Commission Report.

5.3 Altavista Board of Zoning Appeals (BZA) - Annual Report

Explanation: The Code of Virginia requires a Planning Commission to submit an annual report to their governing body, concerning the operation of the Commission and the status of planning within its jurisdiction.

Community Development Director Sharon D. Williams presented Town Council with a brief overview of Altavista's Board of Zoning Appeals' 2022 Annual Report, and asked Council if they had any questions, concerns, or comments regarding the report.

There were no questions from Town Council regarding the 2022 BZA Annual Report. Mayor Mattox thanked Ms. Williams for the BZA report.

5.4 FY2024-2028 Capital Improvements Plan (CIP)

Background: Annually, the Town is required to adopt a budget prior to July 1st, the beginning of the new fiscal year. During the FY2023 budget process, it was the consensus of Town Council to receive the draft capital budget much earlier in the budget process, to allow Council more time to review the working document, to ensure it reflected changing community needs, priorities, and funding opportunities.

Assistant Town Manager Matt Perkins delivered FY2024-2028 draft CIP documents to Town Council for the following departments: Avoca, Public Works, and Park & Recreation; to be reviewed by Town Council during the FY2024 budget process, for consideration of approval.

There were no questions regarding the draft CIP documents from Council at this time.

6. Updates and Informational Items

There were no updates to present on this date.

7. Matters from Town Council

- Councilman Wayne Mitchell suggested the Town have a Grand Opening to celebrate the new loop portion of Eagle Trail, when the project was completed. Council concurred.

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- Vice Mayor Reggie Bennett asked Staff for an update on when the installation of the new wayfinding signs for English Park's Trail System would be complete.

Public Works Manager Jeff Arthur informed Town Council that he was in continuous contact with Cottle Designs, the company manufacturing the signs, and stated he would inform the Town Manager and Tom Fore when the signs were ready for installation, and they would keep Town Council updated on the progress of this project.

Vice Mayor Reggie Bennett expressed his concerns with the wayfinding sign for English Park taking such a long time to complete. He stated that town projects should be completed in a "reasonable and timely manner", and suggested, in the future, making sure all town projects, big and small, contain a timeframe for completion in the contract between the town and the contractor.

Mayor Mattox thanked Town Staff for the hard work that they do every day for the Town of Altavista, and stated that he was confident in Staff's efforts and due diligence.

8. Town Council Closed Session

The Altavista Town Council convened in closed session in accordance with the provisions set out in the Code of Virginia, 1950, as amended,

Section 2.2-3711 (A)(3) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Section 2.2-3711 (A)(8) Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

A Motion was made by Vice Mayor Reggie Bennett, seconded by Councilman Tracy Emerson. Motion carried.

VOTE:	Mr. Wayne Mitchell	Yes	Vice Mayor Bennett	Yes
	Mr. Tracy Emerson	Yes	Mr. Jay Higginbotham	Yes
	Vice Mayor R. Bennett	Yes	Mr. Timothy George	Yes
	Mayor Mike Mattox	Yes		

Town Council went into Closed Session at 5:48 PM.

Notice was given that Council was back in regular session at 6:33 PM.

FOLLOWING CLOSED SESSION:

A motion was made by Vice Mayor Reggie Bennett, seconded by Councilman Wayne Mitchell, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED the Town Council hereby certifies, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Town Council.

VOTE:	Mr. Wayne Mitchell	Yes	Vice Mayor Bennett	Yes
	Mr. Tracy Emerson	Yes	Mr. Jay Higginbotham	Yes
	Vice Mayor R. Bennett	Yes	Mr. Timothy George	Yes
	Mayor Mike Mattox	Yes		

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Notice was given to Staff by the Town Manager, that Town Council did not make any official actions as a result of this closed session.

9. Adjournment

Mayor Mattox asked if there were any additional comments or concerns from Town Council, of which there were none.

The February 28th, 2023, Town Council Work Session was adjourned at 6:37 p.m.

Michael Mattox, Mayor of Altavista

Gary Shanaberger, Town Manager/Town Clerk