

Town Council Work Session, September 28, 2021

The September 2021 Work Session for Altavista's Town Council was held in Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street, on September 28, 2021, 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
Dr. Scott Lowman
Mayor Michael Mattox
Mr. Wayne Mitchell

Also Present:

Mr. Clarence Monday, Interim Town Manager
Mrs. Tobie Shelton, Treasurer/Finance Director
Mr. Thomas Merricks, APD Chief of Police
Ms. Sharon D. Williams, Community Development Director
Mr. Jeff Arthur, Public Works B&G Supervisor
Mr. George Sandridge, Main Street Coordinator
Mr. John Eller, Town Attorney
Mrs. Crystal Hailey, Administration

1. Agenda Adoption

Mayor Mattox asked Town Council if they had any questions or concerns in regard to the proposed September 28, 2021, Council Work Session Agenda, to 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:

Dr. Scott Lowman	Yes
Mr. Timothy George	Yes
Mr. Jay Higginbotham	Yes
Mayor Mike Mattox	Yes
Vice Mayor Reggie Bennett	Yes
Mr. Tracy Emerson	Yes
Mr. Wayne Mitchell	Yes

2. Recognitions and Presentations

There were none scheduled for this meeting.

3. Citizen's Time

Mayor Mattox asked if there were any citizen(s) attending the meeting that wished to address Town Council regarding a work session agenda, or non-agenda item.

- Ms. Patsy Lane, 205 Valley View Drive, Altavista, came before Town Council with a request. Mrs. Lane asked Council to approve a Special Use Permit, which would allow her to utilize the town-owned property at the corner of 7th Street and Campbell Avenue.

Ms. Lane reminded Council of the 100 Mile Yard Sale Event that would run from Friday, October 1st through Sunday, October 3rd. She stated her request was to utilize the fore-mentioned property to conduct a yard sale on that Friday and Saturday.

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Mayor Mattox asked Staff for input on the request.

Interim Town Manager Clarence Monday stated, after some discussion with Ms. Lane, Town Staff believed the request needed consideration for approval from the town's governing body (Town Council), due to the request involving town property.

Mayor Mattox stated any action taken for this request would set a precedent for future requests of a similar nature. He asked Town Council for their input on the matter.

Councilman Mitchell referenced the 100 Mile Yard Sale Event that was held twice a year, once in spring and once in fall. He stated he believed the town was missing an opportunity that would bring visitors into Altavista by not allowing town citizens to set up throughout the town. He stated he felt the town should encourage participation.

Mr. Mitchell shared his favor with allowing a Special Use Permit for this event only, not for any other weekends during the year.

Mayor Mattox stated, with the request being for the upcoming weekend, Council would need to vote on the request that evening.

Councilman Jay Higginbotham made a motion, seconded by Councilman Emerson, to approve the Special Use Permit requested by Ms. Patsy Lane to use the town-owned property on the corner of 7th Street and Campbell Avenue to hold a yard sale on Friday, October 1st and Saturday, October 2nd.

Mayor Mattox asked Town Council if they had any questions or comments in regard to the request or the motion made for this item.

Interim Town Manager Clarence Monday stated staff was also seeking direction from Council whether or not to impose the Special Use Permit fee for this request.

Councilman Emerson asked for the cost of a Special Use Permit, to which Mrs. Shelton, Altavista's Finance Director, stated the cost was \$25.

Vice Mayor Bennett asked, after seeing sellers set up, what would prevent someone else from trying to set up at that location.

Councilman Higginbotham stated Ms. Lane's approved Special Use Permit would allow her to decline others from being there on the designated dates.

Mr. Emerson stated Ms. Lane should not be responsible for "policing" the parking lot during her time permitted to sell.

Mayor Mattox reminded Ms. Lane that the Altavista Trade Lot, run by the Altavista Band Boosters, had spaces available for selling items during the dates she desired. He stated the trade lot was a way for the band boosters to raise funds for their organization.

Mayor Mattox stated, if Ms. Lane's request is approved by Council, there be further discussion by Town Council at a future date to determine a precedent moving forward.

After discussion and consideration, there was a consensus of Council to waive the \$25 fee associated with this permit on a "one-time basis" for this request only; and to continue the discussion at a future meeting to determine the precedent for all future requests, similar to this one, regarding using town-owned property for "yard-selling" during the 100 Mile Yard Sale Events.

Councilman Higginbotham amended his motion to include the \$25 fee waiver.

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Motion carried:

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

- Ms. Brianna Peterson, 2110 Laurel Lane, Altavista, came before Town Council with a request for them to consider having a “Dog Park” in the Town of Altavista.

Ms. Peterson stated she felt Altavista was a great place to raise children, but believed the town could do better at accommodating dogs. She stated, currently, the only option in the immediate area for “unleashed” dogs was to travel to Chatham or Lynchburg.

Ms. Peterson shared with Council a feasibility study from a similar sized town that considered a dog park for their locality. She stated it was a joy for her to see other dog owners training their dogs to be unleashed and in the community safely.

Ms. Peterson stated she knew of several hunters with hunting dogs, as well as dog breeders in the Altavista area that would also love to have a dog park in town. She asked Town Council to consider conducting a feasibility study in regard to such.

Mayor Mattox asked Town Council if they had any questions and/or comments in regard to this subject.

Vice Mayor Bennett stated he was an owner of two dogs, and felt dogs were like family. He stated he worked in town and saw individuals walking their dogs on a daily basis.

Mr. Bennett informed Ms. Peterson of a survey that Sharon Williams, Altavista’s Community Development Director, was currently working on in order to gather citizen input for the Planning Commission to utilize during the revision process of the town’s Comprehensive Plan.

Ms. Williams stated the survey would be offered to the public on Friday, October 1st.

Mr. Bennett suggested to Ms. Peterson that she take the survey and share her thoughts regarding the need for a dog park in Altavista.

Councilman George informed Ms. Peterson that the Altavista Parks & Recreation Committee had a long-term plan developed a few years ago, and a dog park was part of that plan. He stated the item was scheduled to be considered in the next couple years.

There were no additional comments from Town Council regarding this subject.

Mayor Mattox thanked Ms. Lane and Ms. Peterson for their time. He encouraged citizens to reach out to Town Council or Staff anytime they had questions or concerns regarding the town.

4. Items Referred from Previous Meetings

4.1 Dalton’s Landing Canoe Launch – Consideration of a Public, Portable Toilet Staff: Tobie Shelton, Treasurer/Finance Director

Background:

At their regular meeting on September 14, 2021, Town Council asked Town Staff to obtain the cost to place a portable toilet at Dalton’s Landing for their review and consideration.

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Mrs. Shelton informed Town Council, as quoted from the town's current portable toilet vendor, the cost to place a portable toilet at the canoe launch was \$85, every four (4) weeks.

Mrs. Shelton stated there were funds remaining in reserves, that were earmarked for the Dalton's Landing project, and if this item was approved, would cover the cost of a portable toilet at the site for the remainder of the current fiscal year (2022). She stated, going forward, the cost would be considered as part of the overall operational budget for the site.

Councilman Higginbotham asked if a portable toilet was considered a seasonal item.

Mayor Mattox stated there were patrons that utilized the river for activities during the entire year. He stated he believed the toilet was a necessary item all year long.

There was a consensus of Town Council to place this item on the October 12th Regular Meeting Consent Agenda for official approval.

Councilman Higginbotham asked if staff had reached out to Campbell County and inquired if they would assist with the annual cost related with this item for Dalton's Landing.

Altavista Finance Director, Tobie Shelton, stated staff had not, but would be happy to.

4.2 Jenks River Trail – Placement Discussion

Staff: Jeff Arthur, Altavista Public Works Building & Grounds Supervisor

Background:

Once complete, the Jenks River Trail will offer an extension of Eagle Trail in English Park, which will be connected by the new pedestrian bridge and run parallel to the river. At their September Regular Meeting, Town Council requested this item be placed on their September Work Session Agenda to continue the discussion for the most viable placement of the Jenks River Trail.

Mayor Mattox asked for input from Public Works Building & Grounds Supervisor Jeff Arthur in regard to this item.

Mr. Arthur stated, during his walk at the trail site with Engineer Ben Leven, Hurt & Proffitt, Mr. Leven had concerns with the ravine and wetlands towards the upper end of the trail. He stated Mr. Leven confirmed the trail could be placed at either available option, but there would need to be another pedestrian bridge added if the trail went over the ravine.

Councilman Higginbotham shared his favor with the option of the Jenks Trail being closest to the river. He stated he believed that location would be the most ideal esthetically.

Councilman George reminded Council that David Garrett, previous Public Works Director, precured quotes for two surface options. He stated he would be in favor of either location for the Jenks Trail's placement, however the project was not currently budgeted.

Councilman Lowman stated he would like to see the trail area in person to gain perspective of which location option may be the most viable for placement.

Councilman Mitchell shared his favor with either placement option, but stated, if the Jenks Trail project was placed on the FY2023 CIP, it could take up to eighteen months before the project was completed. He said, for that reason, and to move this project forward sooner, he favored the "field" option for the trail's placement more, which was already partially laid out.

Mr. Mitchell stated some people did not care to walk through a wooded trail, and it would also be a lot warmer to walk in the field rather than under tree coverage in winter months.

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Mr. Mitchell stated, if the field option was chosen for the Jenks Trail, he suggested allowing Public Works to move forward with utilizing the town excavator to remove “stumps” from the field in preparation of the trail.

Councilman Emerson stated he also felt either location would be favorable to trail walkers, but he liked the idea of the trail being close to the river. He stated every time he visits English Park there were numerous patrons utilizing the park and walking the existing trails.

Mr. Emerson stated, to move this project forward, suggested utilizing the remaining Jenks funds to start the process, and placing the remaining work in the FY2023 CIP Budget.

Mr. Emerson also suggested Council meet as a group at the potential trail site(s) before the next work session, to gather a visual perspective of the area before making a final decision on placement.

Vice Mayor Bennett stated he also favored Mr. Mitchell’s suggestion of moving forward with removing the stumps from the trail area.

Mr. Bennett referenced a previous conversation by Council and suggested the town consider a bi-annual tax billing. He stated, if implemented, there would be a one-time sum of approximately \$250,000 the town could utilize for a project such as the Jenks Trail.

Mayor Mattox stated he was ready to see the Jenks Trail project moving forward. He suggested allowing staff to procure quotes for the scope of work once the placement of the trail had been decided.

Mayor Mattox stated he also agreed that Council needed to meet as a whole to view the potential trail areas.

Councilman Higginbotham referenced the pedestrian bridge the town placed at the end of Eagle Trail in preparation of connecting it to the new Jenks Trail. He reminded Council of the bridge’s cost, \$26,050.

Mr. Higginbotham suggested, due to rising material costs, moving forward with ordering a second bridge, knowing the fore-mentioned ravine would need to be addressed.

Mr. Higginbotham stated, if the field was going to be utilized for a portion of the Jenks Trail, he suggested not excavating the path any further, but laying a stone foundation and covering it with town-owned millings to save costs.

Councilman George reminded Council the pedestrian bridge project, connecting Eagle Trail to the Jenks Trail, and the river overlook project both went over budget, and he felt it was due to the town completing the work themselves.

Mr. George stated, due to Public Works currently being short-staffed, he suggested allowing staff to procure quotes for the second Jenks Trail bridge.

Councilman Emerson referenced the funds that had not been used that were allocated for the previous PCB issue regarding the water overflow pond at the Water Treatment Plant. He stated, with the current project of “de-watering” the pond, he suggested Council consider utilizing a portion of those funds to help fund the Jenks Trail Project.

Mayor Mattox stated the Utilities Director, Tom Fore, was aggressively working to de-water the pond in order to backfill it. He stated, when that process was complete, the town would be in a better position to consider whether or not to use the funds.

There was a unanimous consensus of Town Council to continue the September Work Session until Tuesday, October 12th at 5:00 p.m., and meet at English Park for a tour of the Jenks Trail area.

Councilman Higginbotham stated, with fall weather approaching and the need for grass mowing decreasing, he suggested allowing Public Works to start clearing out the trail area.

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Mayor Mattox stated, if there was a consensus of Council, he was ok with the suggestion, but only when time was available for them to do so after their normal duties.

There was a consensus of Town Council to allow the town's Public Works Department to start clearing the trail area, when time was available.

5. Items for Discussion - New and Unfinished

5.1 Town Clerk Appointment

Background:

The Town Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels. With the recent departure of both the Town Manager and Assistant Town Manager, Council will need to appoint an "Acting Town Clerk", until the position of Town Manager is filled.

Mayor Mattox asked if Town Council had any questions or concerns in regard to the Acting Town Manager holding the title of Acting Town Clerk, to which there were none.

Councilman Jay Higginbotham made a motion, seconded by Councilman Tracy Emerson, to approve Clarence Monday, Interim Town Manager, as the Acting Town Clerk, until such time as a permanent Town Manager for the Town of Altavista could be hired.

Motion carried:

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

5.2 FY2021 Carryover Request

Background:

Several items included in FY2021's CIP, were ordered prior to fiscal year end, but the items were not received on, or before June 30, 2021.

Mrs. Tobie Shelton, Altavista's Finance Director, came before Council to request to carry over \$273,870 in funds from the FY2021 Budget, to be earmarked in reserves for use in the FY2022 Budget, to complete identified CIP Projects.

Mrs. Shelton stated, if approved, this action would relocate the unexpended funds from the FY2021 Budget into reserves, earmarked for the stated use. She stated, once the expenditures were made, staff would present a budget amendment for Council's approval.

Mayor Mattox asked Town Council if they had any questions regarding staff's request, to which there were none.

There was a unanimous consensus of Council to place this item on the October 12, 2021, Regular Meeting Consent agenda for official approval.

5.3 FY2023 Budget/CIP Calendar

Background:

Annually Council approves a budget calendar that includes deadlines for department directors to submit information to the Finance Director, dates for advertising and conducting public hearings, and a timeline for review and adoption of the next fiscal year budget.

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During the FY2022 Budget process, Town Council requested to review department CIP requests much earlier in the budget process (fall/winter), giving them additional time for consideration of the items.

Mrs. Tobie Shelton, Altavista's Finance Director, shared with Council the draft calendar for FY2023's Budget/CIP process timeline for Town Council's review and consideration.

Mrs. Shelton stated, as was the case each year, Staff would provide the Altavista Community Transit System (ACTS) draft budget to Council in mid-November, so the proposed budget could be considered in December, in order for Town Staff to have ample time to prepare the grant application that was due in January 2022.

Mrs. Shelton also stated the budget calendar continued to include dates for continued work sessions on Wednesdays following each Town Council Work Session in January, February, and March, to allow Council ample time to consider the items related to the budget and the capital improvement plan, if additional time was needed beyond the regularly scheduled work sessions.

Mayor Mattox asked Town Council if they had any questions regarding the draft FY2023 Budget/CIP Calendar, to which there were none.

There was a unanimous consensus of Council to place this item on the October 12, 2021, Regular Meeting Consent agenda for official approval.

5.4 Horizon Behavioral Services Request

The Altavista Police Department's (APD) Chief, Tommy Merricks, informed Town Council that Horizon Behavioral Health Services had contacted him regarding the possibility of placing a prescription drop box at Town Hall for citizens to get rid of unused prescription medication. He stated, if approved, he believed the safest location would be at the end of the hallway entering the police department.

Chief Merricks stated Horizon also offered to provide the APD with an incinerator to dispose of the drugs put in the drop box, as well as any drugs that had to be destroyed after court cases. He stated the dropbox and incinerator was being offered at no cost to the town and it would greatly benefit the APD.

Mayor Mattox asked Town Council if they had any questions regarding this request.

Councilman Mitchell asked Chief Merricks if he believed placing the dropbox inside would be better than having it in the parking lot.

Chief Merricks stated he believed the dropbox would be more secure if placed inside, near the police department.

Mr. Mitchell also suggested the town consider offering a "safe space" in the Town Hall parking lot for such uses as citizens needing to transfer children from one parent to another, or for use as a secure spot for meeting sellers/buyers from online purchases.

Chief Merricks stated the suggestion was a good idea, but if implemented, it would require the town to have advanced security cameras monitoring the area for security purposes.

Mr. Mitchell asked that the item, be considered during the FY2023 CIP Budget process.

Councilman Emerson shared his favor with the APD having a prescription dropbox. He stated, as a police officer, there were times he had to enter a home for a DOA call and there were numerous bottles of prescription drugs in the home. He stated this was a great way for APD officers to dispose of those types of items.

There were no additional questions or comments from Council regarding this matter.

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Mayor Mattox stated, with Horizon Behavioral Services paying for the dropbox service and incinerator, with no cost to the town, the item could be voted on that evening.

Councilman Tracy Emerson made a motion, seconded by Vice Mayor Bennett, to approve Chief Merricks' request to authorize Horizon Behavioral Services to place a prescription dropbox at the APD's Town Hall location.

Motion carried:

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

5.5 Designation of Police

Background:

The Code of Virginia authorizes the designation of police to enforce trespassing violations. In order for the Town of Altavista to do so, a new section would need to be added to the Town Code.

Altavista Police Chief, Tommy Merricks, came before Town Council in regard to this item.

Chief Merricks stated, by having this provision in the Town Code, helps keep citizens/property owners from having to take trespassing violators to court.

Chief Merricks informed Council that the new property owner of the 1200 Avondale Apartments recently inquired about the Altavista Police Department (APD) being able to enforce trespassing violations at the property.

Chief Merricks stated Town Attorney, John Eller, had drafted Sec 46- 81.1 to reflect this action in the Town Code for Council's review and consideration.

Mayor Mattox asked Town Council if they had any questions regarding this matter.

Councilman Emerson informed Council that the Campbell County Sheriff's Department follows the State Code in this matter, and he believed the APD and the Altavista community would all benefit from doing so.

Councilman Jay Higginbotham made a motion, seconded by Councilman Emerson, to accept Chief Merricks' recommendation and approve the amendment to Town Code Section 46- 81.1, reflecting the authorization of the APD to enforce trespassing violations.

Motion carried:

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

Mayor Mattox thanked Chief Merricks and the APD for the good work they do for the Town of Altavista and its community.

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5.6 Town Council Rules of Procedure

Background:

One goal from Town Council's March 2021 Retreat, was to develop a set of Council Rules of Procedure and Code of Ethics. Town Council was provided with an outline of potential topics for a document at their July 13, 2021, regular meeting. A draft document for Rules of Procedure, as well as a Code of Ethics, was provided to Council for their review and comment at the July 27th work session. Town Attorney John Eller reviewed the draft document and made some suggested changes. Information was shared with Council and the Rules of Procedure and Code of Ethics documents were brought back for additional review at their August 24th Work Session. There was a consensus of Council to place this item on the September regular meeting agenda for further discussion and consideration. At the September regular meeting, it was the consensus of Council to postpone discussion of this item, due to all Council members not being present, and to place this item on the September work session.

Mayor Mattox asked Town Council if they had any further questions, comments, or change requests in regard to the draft Council Rules of Procedure and/or Code of Ethics.

Vice Mayor Bennett suggested there be an amendment to the rules in regard to Council's attire at work sessions. He stated the existing rule only addressed regular meetings.

Mr. Bennett asked Council to consider having monogrammed polo shirts to wear at their work session. He stated he believed it would be more presentable to the public than just wearing regular clothes.

Vice Mayor Bennett also referenced the rule of calling a "special meeting" among Council. He stated, currently, the rule stated that the Mayor or the Town Manager could call a special meeting, and two Council members could also call a meeting if submitted to the Mayor or Town Manager in writing.

Mr. Bennett asked, if he had an item he wanted to discuss before a regular meeting, could he call a special meeting.

Mayor Mattox stated he could, but under the authority of the Mayor or the Town Manager.

Councilman Mitchell asked if the Mayor or Town Manager could call a special meeting without consulting Town Council, to which Mayor Mattox stated they could.

Vice Mayor Bennett stated the Rules of Procedure were a "work in progress" and Council could amend the document at any time changes needed to be made.

Councilman Mitchell referenced a rule currently in the draft document that stated the town would provide a DVD copy of a Council meeting if requested. He stated, now that all Council meetings were live streamed on the town's website for viewing and archived for reference, he believed the item could be removed from the Rules of Procedure.

Mr. Mitchell also referenced a rule in the draft document that stated Council members should stay on topic with the agenda items presented for each meeting and not discuss non-agenda items until the end of the meeting, or the Mayor would interrupt and redirect the conversation back to the agenda.

Mr. Mitchell stated he believed Council members, including himself, sometimes had difficulty staying on topic and he would like to see this rule followed more closely in order for Council meetings to be more efficient.

Councilman Mitchell referenced a third item in the draft Rules of Procedure. He stated he believed "motions" to approve an item on an agenda should be articulated in more detail, in order to give Town Staff clear direction of Council's intent.

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Mr. Mitchell referenced one last item, Resolutions/Proclamations by Town Council and/or the Town of Altavista. He stated there had been times when he was unaware of a resolution until he arrived to the meeting. He suggested, when a resolution was proposed, it be shared with all Council members, allowing them all to be aware.

Mr. Mitchell also asked if any Council member could propose a resolution, or if the action could only come from the Mayor or Town Manager.

Mayor Mattox stated any Council member could propose a resolution for consideration. He stated resolutions were usually for recognition of service and proclamations were for recognizing specific days, weeks, or months for awareness of an item or cause.

Mayor Mattox stated a resolution or proclamation was typically included in Council packets delivered to them on the Friday before a meeting. He stated, if Council wanted to change the delivery option, they could do so during this draft process.

Councilman Mitchell referenced the item fore-mentioned by the Vice Mayor, Special Called Meetings. He said the draft document stated, "as deemed necessary", however, he believed there should be a more in-depth definition of what would be deemed necessary.

Mayor Mattox asked the Town Attorney, John Eller, for his input on this matter.

Mr. Eller stated it would be impossible to narrow down a definition, due to there being so many circumstances that a special meeting could be called for.

Mr. Mitchell stated the same rule also stated the Mayor or Town Manager could call a special meeting. He asked if that should remain the same or considered for change.

Mr. Eller stated that rule, which was Section 2-4a. of the Town Code, was reflective word-for-word of the Virginia State Code.

Councilman Higginbotham pointed out that Section 2-4b. stated two or more Council members could also call a special meeting. He asked Mr. Eller if that was in the State Code.

Mr. Eller stated it was not, but it was previously added to the Town Code as an option.

Mr. Higginbotham referenced Councilman Mitchell's remark pertaining to the item/rule that the town offered DVDs of its Council meetings. He suggested, since the town did not currently have the capability to produce a DVD, the wording should be changed to electronic or digital copy.

Town Council was in consensus to do so.

Mayor Mattox referenced the item in the draft Rules of Procedure that stated Town Council members would wait to be recognized by the Mayor before offering input on an item. He stated he preferred to stay in the designated order for comments, which he believed allowed the meetings to run more efficiently.

Mayor Mattox stated this rule was followed most of the time, but on some occasions was not. He asked that Council members remember this rule during future meetings in order to keep meetings moving forward productively.

Mayor Mattox asked Town Council if they had any additional questions, comments, or concerns regarding the draft Town Council Rules of Procedure and Code of Ethics, to which there were none.

There was a unanimous consensus of Town Council to place this item on the October 12, 2021, Regular Meeting Consent agenda for official approval, with the suggested amendments made by Council this evening.

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5.7 Avoca Request for a Memorandum of Understanding

Background:

The two positions at Avoca, Museum Director and Events Coordinator, were classified as Town positions on July 1, 2018. The primary reason for the change was to improve the benefits for Avoca's employees. Once the two positions were identified in the Town's Classification and Compensation Plan, the employees began working under the Town's employee handbook. At their most recent board meeting, the Avoca Board of Directors requested a Memorandum of Understanding (MOU), outlining the responsibilities of both the Town and Avoca regarding the two positions held at Avoca that were now classified as town employees.

Interim Town Manger Clarence Monday gave Town Council an update on this item.

Mr. Monday informed Council that Town Attorney John Eller prepared a draft MOU, and the Avoca Board had reviewed the draft. He stated the draft MOU was in the Town Council meeting packets for their review and consideration.

Mr. Monday stated the draft MOU would give the Avoca Board the authority to hire and manage the museum's executive director and any other personnel deemed necessary to properly operate and maintain the property. He stated the document stated the employees would serve under the direction of the Avoca Board, not the town.

Mr. Monday said the draft MOU also stated the Avoca Board would have the authority to determine the manner in which its employees were compensated, either directly through the Historical Society, or by the Town of Altavista. He stated, if the town was designated, the prevailing document would be the town employee manual.

Mr. Monday stated the draft document also stated the compensation of the Avoca Board of Directors and the terms of office for its members would be determined by the Avoca Board, with no less than one member being from Town Council or from Town Administrative Staff.

Mr. Monday stated he and the Town Attorney were available to answer any questions Town Council may have in regard to the draft MOU. He stated, at that time, Town Council may choose to amend or approved the draft MOU document.

Mayor Mattox asked Town Attorney John Eller if he believed the draft MOU covered all legal matters between Avoca and the Town of Altavista regarding Avoca employees, to which Mr. Eller confirmed he did.

Mayor Mattox asked Town Council if they had any questions, comments, or concerns in regard to the draft MOU.

Councilman Mitchell asked for clarification of item number three in the MOU, which stated the Avoca Board could hire "any other employees" as deemed necessary. He stated that he thought there were only two Avoca positions, one full time and one part time.

Mr. Mitchell stated he did not believe the wording was clear that Avoca did not have the authority to hire five or six additional employees and expect the town to cover that expense.

Mayor Mattox reminded Town Council that Avoca was given an annual budget to stay within, which would cover the two current employee positions of executive director and events coordinator.

Town Attorney John Eller stated that paragraph two of that item confirmed that Avoca would be operated by their Board, but under the oversight of Town Council.

There were no additional questions or comments from Council regarding the draft MOU.

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Vice Mayor Bennett made a motion, seconded by Councilman George, to approve the Memorandum of Understanding between the Avoca Board of Directors and the Town of Altavista as presented.

Motion carried:

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

Mayor Mattox thanked the Avoca Board members attending the meeting that evening and to all Avoca Board members for the good work they do for the community.

5.8 Moseley Heights Community Project Team – 5K Run/Walk

Background:

Representatives of the Moseley Heights Community Project Team spoke before the regular meeting of Town Council on September 14, 2021, to request permission to hold a 5K Run/Walk Event on October 30th at Shreve Park in Altavista, to benefit William Barnwell. The request was to utilize Shreve Park to hold the event from 11:00 a.m. - 4:00 p.m.

Altavista Community Development Director, Sharon Williams, came before Town Council to discuss this item further.

Ms. Williams informed Council that she, as the Community Development Director, Chief of Police Tommy Merricks, and Interim Public Works Director Teri Anderson had discussed the request and met with the applicants in regard to the race route. She stated, if approved, the planned route would be with minimal impact to traffic and pedestrians.

Ms. Williams referenced the \$500 donation the Moseley Heights organization also requested at the previous meeting. She stated, with the number of sponsors and 5K participates, the event was projected to earn \$3,000 in revenue, with an estimated \$1,700 in expenses.

Ms. Williams stated, if Council decided to approve the donation request, the organization intends to give the funds raised by this event to the Barnwell family. Ms. Williams stated she was available to answer any questions.

Councilman George asked if Council needed to approve the changes to the race route.

Ms. Williams stated staff could use Council's approval for the race from the previous meeting to cover the route changes. She stated the consideration from Council that evening was for the \$500 donation request.

Town Attorney John Eller stated he was concerned with the funds being given directly to an individual/family. He stated this decision would set a precedent for such future requests.

Ms. Williams stated any funds raised by this event were intended for the Barnwell family, but all donations would be received and processed through the organization.

Mayor Mattox asked if the non-profit had completed their 501c3 paperwork.

Ms. Williams stated staff did not have the required paperwork at that time, but staff would gather the documents by the October 12th Council Meeting.

Mayor Mattox stated he applauded Sheila Williams for forming the Moseley Heights Community Project Team organization to help her community.

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Mayor Mattox stated, for future requests, Town Council would like to have more time for consideration of an event request or monetary donation. He stated advance notice would help Council and staff be better prepared to consider the request.

Vice Mayor Bennett stated he was registered for the 5K event and encouraged other Council members and staff to participate as well.

There was a unanimous consensus of Town Council to place this item on the October 12, 2021, Regular Council Meeting Consent Agenda for official approval, with the provision that the organization completes their 501c3 registration paperwork by that date.

6. Updates and Informational Items

6.1 Vista Theater – Roof Replacement

Background:

Town Council desired to place a new roof on the Vista Theater to secure the structure from additional weather damage. At their August 24, 2021 Council Work Session, Staff was directed to hire Master Engineers & Designers to assess the Vista Theater's structure and inform the town of items that would need to be done to make the building structurally sound so the town could move forward with its revitalization efforts.

Altavista's Community Development Director, Sharon Williams, updated Town Council in regard to the progress of this item.

Ms. Williams stated she contacted Hurt & Proffitt, one of the town's on-call engineer firms for architectural, structural, and project management services. She shared with Council Hurt & Proffitt's \$26,600 proposal, which would include the same team they used for the Spark Innovation Center: Hurt & Proffitt, Master Engineers & Designers, and Dominion Seven Architects.

Ms. Williams stated there would be an additional cost for the town to rent a scissor lift for the project, however the town could utilize their existing Brownfields Grant to cover the cost for the necessary lead and asbestos testing of the Vista Theater building.

Ms. Williams stated, at that time, Town Staff was recommending the town move forward with Hurt & Proffitt's proposal.

Mayor Mattox asked Town Council if they had any questions regarding this item.

Councilman Higginbotham stated the new HVAC system for the Vista Theater would need to be a roof-top design, therefore, he recommended Hurt & Proffitt design the roof structure to include more substantial roof trusses to support the future HVAC system. He suggested consulting with a local HVAC company on the project.

Ms. Williams stated she did not have that cost in the initial proposal request to Hurt & Proffitt, but she had reached back out to Hurt & Proffitt to add the request. She stated the proposal would be revised to reflect the additional cost.

Mr. Higginbotham asked why an architectural firm was needed at that time.

Ms. Williams stated primarily to make sure the town does not do anything to the building that would damage their ability to secure historic tax credits for the property.

Councilman Lowman stated an architectural firm would also help determine estimated costs for this phase of the project.

Councilman Mitchell stated he was under the assumption that Phase I of the project would include, not only addressing the roof, but also any other damage created by the fire that previously took place in the building, which would include the balcony area.

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Mr. Mitchell stated he believed the Phase I assessment should include all items that would give the town direction on how to bring the building up to code and allow the town to secure an “occupancy certificate” from a building inspector, in order to move this project forward for sale or use.

Councilman Lowman confirmed the balcony was damaged from the fire and therefore needed to be included with the Phase I assessment.

Ms. Williams stated she would convey the request to Hurt & Proffitt.

Vice Mayor Bennett stated he believed the town should acquire a full evaluation of the Vista Theater building pertaining to its structural integrity.

Mayor Mattox reminded Council, during previous discussions, they decided to move forward with the evaluation process one step at a time, and this was Phase I of that process.

Ms. Williams suggested the town continue with its initial plan to implement phases for this project, and stated she believed by doing so, would be the most beneficial and economical to the town. Ms. Williams stated Phase I, Hurt & Proffitt’s proposal, would give the town a viable start and better understanding on how to move forward with this project.

There were no additional questions or comments from Council regarding this item.

There was a consensus of Town Council to authorize Ms. Williams to move forward with Hurt & Proffitt’s \$26,600 proposal for Phase I of the Vista Theater project.

7. Public Comment (Non-Agenda Items)

There were no public comments on this date.

8. Matters from Council

Mayor Mattox asked Council if they had any additional comments or items for discussion.

- Councilman George referenced the upcoming Uncle Billy’s BBQ, Bourbon, and Beer Festival on October 2nd in English Park. He asked permission to set up a tent at the event to sell raffle tickets for the Altavista Fire Company.

Altavista’s Main Street Coordinator and the festival’s Event Coordinator, George Sandridge, stated, if Council approved, there would be no issue with him doing so.

Community Development Coordinator Sharon Williams informed Mr. George he would be responsible for bringing his own tent and table.

There was a consensus of Town Council to allow Councilman George’s request.

- Councilman George also referenced a previously approved (FY2022) CIP item, placing permanent public bathrooms in the rear section of English Park. He stated the project was postponed until the town could confirm whether or not the restrooms could be placed in the desired location, due to the concerns of being in a potential flood zone.

Mr. George stated there was \$124,000 allocated in the Town Budget for this item and suggested allowing Town Staff to contact an engineering firm to continue the investigation process for the CIP project.

Vice Mayor Bennett reminded Council the town was currently paying eighty-five dollars per month to have a portable toilet in that location.

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Councilman Mitchell suggested allowing Town Staff to request RFQs for this CIP item in order to keep the project moving forward.

There was a consensus of Town Council to do so.

Councilman Lowman asked Council to be open-minded to the potential placement of the restrooms, as they may have to be located in a different area than initially indicated.

- Councilman Higginbotham referenced the few areas on the riverbank in English Park that were having erosion issues. He asked for an update on this matter.

Interim Town Manager Clarence Monday informed Town Council that he and Jeff Arthur, Public Works Buildings & Grounds Supervisor, recently met with an engineer from Hurt & Proffitt at English Park to review the erosion issue.

Mr. Monday stated the engineer was preparing a report for Council with options to address the erosion issue and costs associated with each option. He stated staff would have the report for Council's review at their October 12th Regular Meeting.

Mr. Monday suggested, while at English Park on October 12th at 5:00 for the continued meeting, Town Council could, not only look at the placement options for the Jenks River Trail, but also view the areas of the riverbank erosion, so they would have a visual reference of the issue when discussing the item in Council Chambers later that evening.

There was a consensus of Town Council to do so.

Councilman Higginbotham asked if the town could use rip raff on the riverbank areas with the erosion issue.

Mr. Monday stated the concern would be to do something that would cause destabilization to the riverbank. He stated the engineer would have options in the report for long-term solutions for the erosion issue.

- Mayor Mattox referenced Vice Mayor Bennett's suggestion for the Town of Altavista to consider following Campbell County's implementation of bi-annual tax billing. He stated, by doing so, would give the town a onetime sum of approximately \$240,000 to use towards future CIP projects, such as the Vista Theater Revitalization Project.

Vice Mayor Bennett stated he believed a bi-annual tax billing would help citizens by not having to pay a large lump sum at the end of the year.

Councilman Mitchell stated the town had done a great job at offering citizens multiple ways to pay their town utility bills, but he was not in favor of bi-annual tax billing.

Mr. Mitchell stated he believed the localities that were implementing bi-annual tax billing needed to do so for funding reasons.

- Vice Mayor Bennett referenced three traffic lights intersecting with Seventh Street: Lola Avenue, Amherst Avenue, and Campbell Avenue. He stated the lights were the old style (hanging) lights, not on steel poles like the rest of the town's traffic lights, and it was hard to find parts for the traffic lights when they need fixing.

Mr. Bennett asked Jeff Arthur, Public Works Supervisor, to investigate whether or not replacement/upgrading the fore-mentioned traffic lights were on Public Works' current CIP schedule, and if not, he suggested they be placed on a future CIP.

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Mayor Mattox asked Tobie Shelton, Finance Director, if Highway Funds could be used for this project, to which she confirmed they could.

- Vice Mayor Bennett also informed Jeff Arthur of a pothole on Franklin Avenue, closest to Main Street near Crystal Bay Pools business parking lot.

Mr. Arthur stated he would take care of the issue.

- Councilman Emerson asked Altavista's Main Street Coordinator, and BBQ Festival Event Coordinator, George Sandridge for an update on the ticket sales for the festival.

Mr. Sandridge informed Council there were currently over six hundred tickets sold and the number was increasing every day.

- Councilman Emerson also referenced the Rustburg Middle School and its current demolition. He suggested the town contact the contractor conducting the demolition to inquire about getting some of the debris to help fill in the town's overflow pond.

Mayor Mattox and Council agreed with Mr. Emerson's suggestion.

Councilman Higginbotham recommended first finding out if the brick had been painted with possibly lead paint, and if the concrete floor had asbestos tile on it or not. He stated neither of which the town would want to use for the overflow pond project.

- Councilman Mitchell asked for Council's input if there was any interest in adding a "lazy river innertube pool" to English Park for future CIP consideration. He stated, if so, he would gather the costs associated with the item for Council's review and consideration.

There was a consensus of Town Council for Mr. Mitchell to gather the information for the potential of having a lazy river in English Park.

- Town Attorney John Eller referenced an item previously discussed that evening, Rules of Procedure. He stated, pertaining to Town Code Section 2-4b. would be in line with the State Code if "Town Manager" was removed from having the sole ability to call a special meeting of Town Council.

There was a consensus of Town Council to allow the Town Attorney to make the said amendment to Section 2-4b. of Altavista's Town Code.

9. Closed Session

Date: Tuesday September 28th, 2021

I move that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950, as amended,

Section 2.2-3711 (A)(1) Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, discipline or resignation of specific public officers, appointees or employees of any public body

A motion was made by Vice Mayor Reggie Bennett, seconded by Councilman Wayne Mitchell.

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Motion carried.

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

Town Council went into Closed Session at 6:51 PM.

Notice was given that Council was back in regular session at 7:05 PM.

FOLLOWING CLOSED SESSION:

A motion was made by Vice Mayor Bennett, seconded by Councilman 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, 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:	Dr. Scott Lowman	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes
	Mayor Mike Mattox	Yes
	Vice Mayor Reggie Bennett	Yes
	Mr. Tracy Emerson	Yes
	Mr. Wayne Mitchell	Yes

Town Council voted unanimously (7-0) to appoint Gary Penn to the Board of Zoning Appeals.

10. Adjournment

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

There was a consensus of Town Council to continue their September Work Session on Tuesday, October 12th at 5:00 PM, at English Park to review the riverbank erosion issues and Jenks River Trail placement options.

Mayor Mattox adjourned this portion of the meeting at 7:10 PM, to be continued on Tuesday, October 12, 2021, at 5:00 PM.

Michael E. Mattox, Mayor

Clarence Monday, Interim Town Manager
Acting Town Clerk