

Town Council Work Session, Tuesday, July 26, 2022

The July 2022 Work Session for Altavista's Town Council was held in Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street, on Tuesday, July 26th, 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
Mrs. Tobie Shelton, Treasurer/Finance Director
Mr. Thomas Merricks, APD Chief of Police
Ms. Sharon D. Williams, Community Development Director
Mr. Tom Fore, Public Services Director
Mr. Jeff Arthur, Public Works Manager
Mr. John Eller, Town Attorney
Mrs. Crystal Hailey, Assistant Town Clerk

Mayor Mattox reminded everyone of the Altavista Police Department's upcoming community event, "National Night Out", being held on Tuesday, August 2nd, from 5:30-9pm. He encouraged everyone to attend.

Altavista Police Chief Tommy Merricks stated the opening ceremonies for the National Night Out event began at 5pm; and The Embers (singing entertainment group) would perform from 6-9pm. Chief Merricks said free food and beverages would be available, will supplies lasted, and he encouraged everyone to come out and enjoy the annual community event.

1. Agenda Adoption

Mayor Mattox informed Town Council of an amendment to the agenda.

- Addition: Section 2, Item 1 - Dearing Ford Road Property-Characterization Update

He asked Town Council if they had any questions, comments, or concerns in regard to the July 2022 Council Work Session Agenda, to which there were none.

Councilman Tracy Emerson made a motion, seconded by Councilman Wayne Mitchell, to approve the agenda as amended.

Motion carried:

VOTE:	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

- Dearing Ford Property - Site Characterization Update
by Jamie Gillespie, Lynchburg Regional Business Alliance (LRBA)

Mrs. Gillespie referenced the town's newly purchased 83-acre parcel on Dearing Ford Road and stated the LRBA had been working with Town Staff and Altavista's Economic Development Authority (AEDA) to get the site characterized in order for industrial prospects to know the condition of the property.

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Mrs. Gillespie informed Council that the AEDA paid half of the cost to conduct the initial characterization of the property, with the other half being acquired through a grant from the Virginia Economic Development Partnership. She said the report returned labeling the Dearing Ford property at a Tier 2 level, which was common at that stage of the process.

Mrs. Gillespie informed Council that the General Assembly was awarded an additional \$22 million to fund a similar grant program for site development. She stated the town was eligible to apply for the grant, and could use the funds that purchased the property as the required “match” for the grant application.

Mrs. Gillespie stated, if approved for the grant (\$250,000), the town could utilize a portion of the grant funding (\$125,000) to perform due diligence reports needed to move the property to a Tier 3 level of characterization. She said the LRBA recommended using a portion of the remaining \$125,000 to install an access road leading into the property.

Mrs. Gillespie stated the LRBA would continue to work with Town Staff and the AEDA to secure viable opportunities for the town to move this property to the highest tier level.

Mayor Mattox asked Town Council if they had any questions, comments, or concerns regarding the presented information or the Site Development Grant. There was none.

Councilman Tracy Emerson made a motion, seconded by Councilman Wayne Mitchell, for Council to approve the Lynchburg Regional Business Alliance to move forward on the town’s behalf, with submitting a Site Development Grant application, as the next step in the characterization process for the town’s 83-acre Dearing Ford Road property.

Motion carried:

VOTE:	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

- Project Financing Discussion
by RT Taylor, Davenport & Company

Mr. Taylor shared a document with Town Council that gave a brief overview of Davenport’s Comprehensive Financial Review for the Town of Altavista (the Town) conducted in March 2022; it also had goals and objectives for a Strategic Plan of Finance to fund the Town’s utility upgrades and infrastructure needs over the next five years.

Mr. Taylor stated, while the Town had applied to DEQ and the Department of Health to help cover a portion of the costs for these projects, Davenport recommended the Town also submit an application to the Virginia Resources Authority (VRA), which would not obligate the Town, but hold its place in line for the VRA’s fall funding program.

Mr. Taylor informed Council that Davenport would survey the banks to gather current rate information regarding fixed-interest loans; and work with Town Staff and the Town’s Bond Attorney to draft an RFP for submission to the banks with the best rates. He stated this would allow the Town to review all available options and decide on the most feasible option for the Town’s needs at this time.

Mr. Taylor stated Davenport should receive RFP/information back from the bank by late August and said he would come back to Town Council at their September regular meeting with funding options for their consideration.

Mayor Mattox thanked Mr. Taylor for his update and overview of Davenport’s Strategic Plan of Finance for the Town of Altavista pertaining to utility infrastructure needs.

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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. There were no citizen comments.

4. Unfinished Business

There were none to discuss at this meeting.

5. New Business

5.1 Special Event Permit – First National Bank

Assistant Town Manager Matt Perkins shared the details of First National Bank's Special Event Permit request. Mr. Perkins stated that First National Bank (FNB) was seeking the permit for an employee-only event that proposed to use the Booker Building in English Park and the adjacent lawn for "team building, as employees from all FNB branches would be invited to participate.

Mr. Perkins stated First National Bank was not serving alcohol, there would be no live entertainment and no food sales; this was to be a catered event, paid for by FNB, and no Town funding was requested.

Councilman Mitchell asked if First National Bank had a plan to separate their event from the adjacent park, so that park patrons would not assume their event was open to the public

Mr. Perkins said, in speaking with First National Bank's event coordinator, there would not be any physical barricades, but designated bank staff to help manage the situation.

Councilman Wayne Mitchell made a motion, seconded by Councilman Tim George, to approve First National Bank's Special Event Permit for a FNB Employee-Only Event on Monday, October 10th, from 10am-3pm.

Motion carried:

VOTE:	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 Special Event Permit Request – Peace Of Pie

Assistant Town Manager Matt Perkins shared the details of Peace Of Pie's Special Event Permit request. Mr. Perkins informed Council that Peace Of Pie was under new ownership and were seeking permission to close the lower end of Broad Street in front of their pizzeria on Monday, August 8th, from 5-9pm., to hold an appreciation event for the previous owner Donna Hendricks.

Mr. Perkins stated the new owner (Brianna Peterson) had been in contact with Town Staff and Public Works regarding safety measures. He said that he suggested Ms. Peterson also contact the Railroad Office across from their establishment about their intent.

Mr. Perkins said Ms. Peterson also wanted to utilize the empty lot on the corner of Broad and Main Street as extra space for the event, and he informed Ms. Peterson that she would need written consent from the property owner (Hue Rountrey) and the town would need a copy of the permission slip to keep on file with her event permit.

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

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Councilman Tracy Emerson made a motion, seconded by Vice Mayor Reggie Bennett, to approve Brianna Peterson's Special Event Permit request to hold an appreciation event outside of the Peace Of Pie Pizzeria, for Donna Hendricks' retirement celebration, on Monday, August 8th, from 5-9pm.

Motion carried:

VOTE:	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

5.3 Altavista Police Department (APD) Request to Reallocate Funds

Background:

In the FY2021-22 Budget, the purchase of new tasers for APD Officers was included in the Capital Improvement Plan (CIP). The payments were broken into 5 years, with the first year being included in that fiscal year's CIP, and years 2-5 were to be included in the following fiscal year's operating budgets.

Altavista Police Chief, Tommy Merricks, stated, in an oversight, the "year 2" payment was not included in the operating budget. Chief Merricks requested (instead of asking for additional funds) that Council authorize reallocating funds from another CIP project (APD Safe Zone) to cover the cost of the second year taser payment.

Chief Merricks stated, he still intended to complete the Safe Zone Project, but would utilize seizure funds to cover the cost of that project at a later date.

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

Councilman Tracy Emerson made a motion, seconded by Councilman Jay Higginbotham, to approve Chief Merricks request to reallocate funds in the CIP (from the Safe Zone Project) to cover the second year payment for tasers for APD Officers.

Motion carried:

VOTE:	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

5.4 English Park – Jenks River Trail, Bridge #2

Background:

The 2nd pedestrian bridge for the Jenks River Trail in English Park was purchased, but due to staffing shortages and workload, Public Works has not yet been able to install the foundation for the 2nd bridge.

Public Services Director Tom Fore reminded Council the Public Works department was down three employees.

Public Works Manager Jeff Arthur informed Council that he had two Buildings & Grounds employees due to start by mid-August; however, he still had a vacancy for a Senior Maintenance position.

Mr. Fore stated that staff was seeking Town Council's approval to solicit a contractor to build a concrete foundation for the installation of the 2nd bridge. He stated that he was confident it could be achieved within the \$60,000 budget allocated for this project.

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Mr. Fore stated the town purchased the rebar and rip rap stone for this project and also had forms from the first pedestrian bridge install that could be reused. He stated, if Council approved using an outside contractor, the contractor would be responsible for purchasing the concrete needed to form the bridge foundation. He said that he anticipated the bridge installation would be completed by September 15th, 2022.

Councilman Higginbotham asked staff how they intended to coordinate with Dominion on this project.

Public Works Manager Jeff Arthur stated he was in contact with Dominion, and they stated they only needed a two-week lead time as notification.

Mayor Mattox asked Council if they had any additional questions or comments regarding this request, to which there were none.

There was a unanimous vote to place this item on the August 9th Consent Agenda for official approval.

5.5 Spark Innovation Center - Fund Transfer Request for Spark Director

Town Manager Gary Shanaberger addressed Town Council regarding this item. He referenced the funds allocated in the budget for economic development in Downtown Altavista, and stated the Spark Innovation Center was located in the downtown district and considered a tool towards economic development and growth.

Mr. Shanaberger stated that staff was requesting Town Council's consideration to transfer \$25,000 of the Economic Development Fund (\$100,000) to Community Development; to use towards the Spark Innovation Center Director/Non-profit Events Coordinator position

Mr. Shanaberger informed Council that he spoke with the Altavista Economic Development Authority (AEDA) that morning at their monthly scheduled meeting; and the AEDA saw the worthiness of the combined position and supported the request.

Mayor Mattox asked if the town would be required to pay back the \$25,000 transfer.

As a member of the AEDA, Councilman Mitchell stated the \$100,000 could be used at the AEDA's discretion, and if not used, would roll over into the next fiscal year. He stated, if the \$25,000 "one-time" request was approved, the transfer would be considered similar to the AEDA funding a project and the funds were not required to be repaid.

Councilman Tracy Emerson made a motion, seconded by Councilman Wayne Mitchell, to approve staff's request and allow the one-time transfer/reallocation of funds in the FY2023 Budget from Economic Development to Community Development; to be used towards the salary of the Spark Director/Non-profit Events Coordinator, if needed.

Motion carried:

VOTE:	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

5.6 Vista Theatre Project

Town Manager Gary Shanaberger asked Council to allow staff to utilize reserve funds designated for the Vista Theatre Project to hire a construction consultant for the project, which he confirmed was an appropriate use of the funds.

Mr. Shanaberger informed Council that staff had an individual in mind and would be consulted on an as-needed basis, on an hourly pay rate.

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

Councilman Higginbotham reminded Council, if the request was approved, the motion was whether to hire a consultant, not whether to use the project's reserve funds, because the request/action was an appropriate use of the funds.

Councilman Tracy Emerson made a motion, seconded by Vice Mayor Reggie Bennett, to approve Town Staff's request to use a portion of the Vista Theatre Project's designated reserve funds to hire a construction consultant for the project, on an as-needed basis.

Motion carried:

VOTE:	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

5.7 Code Enforcement Discussion

Background:

Several discussions were had between Town Staff, the Planning Commission, and Town Council regarding property maintenance. Staff was directed by Council to evaluate Altavista's current methods regarding property maintenance and comparing with the Virginia Maintenance Code; Council also asked staff to offer them some pros and cons of the town adopting a property maintenance code.

Community Development Director, Sharon D. Williams, shared a brief overview of Section 21-1 of Altavista's Town Code (Removal, repair, etc. of buildings and other structures); part of the existing ordinances the town currently used for code enforcement, which included a \$100 civil penalty for the first violation, and a \$150 penalty for any additional penalties on the same property, not to exceed \$1,000.

Ms. Williams stated, eighteen months prior, the town released an RFP for someone to conduct this task/provide these services for the town, but had no response.

Ms. Williams moved forward with Section 21-2: Derelict Structures. She said a property owner was given ninety days to develop a plan to renovate or remove the derelict structure; if not submitted on time, the town issued a \$500 civil penalty, through certified mail, every month until the issue was resolved, or the town declares the property a public nuisance and, by code, could place a lien on the property.

Ms. Williams referenced the Virginia Maintenance Code and reminded Council that a locality had the choice to adopt any portion of the code; the pieces they believed would work best for their locality. She informed Council the Virginia Department of Housing and Community Development (DHCD) offered training to certify a person to be a Property Maintenance Official.

Ms. Williams stated most of the town's codes mention public health and safety, however, the Property Maintenance Code was very specific about multiple subjects; for example: roofs, handrails, stairs, walls, protective treatments, etc. She said it was at the town's discretion which, if any, pieces of the Virginia Maintenance Code they wished to adopt, and any addition would merely enhance the town's existing code.

Ms. Williams moved forward and went over the fourteen situations or activities that were defined as "public nuisances" in Altavista's Town Code.

Mayor Mattox referenced number nine on that list, animal control, and asked if there was anything different the town could be doing to address or control these issues.

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Ms. Williams stated it would be helpful to both the citizens of Altavista and the Altavista Police Department, if the Campbell County Animal Control Warden would have a bigger presence in the Town of Altavista.

Councilman Emerson stated Campbell County Public Safety reported directly to the County Administrator, Frank Rogers, and he recommended Town Staff reach out to Mr. Rogers for assistance with the animal control issue.

Ms. Williams continued and went through the process of declaring an issue a “public nuisance”. She stated an owner would be given a reasonable deadline to abate the issue; if the issue was abated, the violation would be dismissed; if not, the matter would go before Town Council for consideration of being a public nuisance; if found as such, Council would give the owner a reasonable timeframe to resolve the nuisance, or the town would take care of the matter with whatever means the Town Manager deemed was necessary and reasonable, and charging the cost to do so to the owner.

Ms. Williams informed Council that, a year ago, a Virginia Building Official delivered a presentation to Altavista’s Planning Commission. She stated, if Council desired, they might also consider and benefit from receiving the presentation.

Ms. Williams said, at that time, staff was seeking Council’s direction whether the town would continue being “complaint driven” regarding nuisances, or take a more proactive approach with code enforcement and consider hiring a part-time employee to assist with the task.

Town Manager Gary Shanaberger stated he was not ready to “throw in the towel” and hire another employee for this task. He stated, although the subject/task was time consuming, he believed issues could be handled between himself, the Assistant Town Manager, Matt Perkins, and the Community Development Director, Sharon Williams.

Mayor Mattox stated that Town Staff already had a full agenda, and he shared his favor with hiring a part-time/on-call person to handle the town’s nuisance matters. He stated Council would consider both recommendations for this matter.

Mayor Mattox stated he also agreed with Councilman Emerson’s recommendation for staff to contact Campbell County for assistance with animal control issues.

Councilman Higginbotham stated he didn’t remember the town’s previous Assistant Town Manager, Dan Witt, having trouble enforcing the Town Code on such matters.

Vice Mayor Bennett stated he believed there were no issues with addressing derelict structures, but with not having the ability (with proper codes) to address property maintenance.

Ms. Williams concurred with the Vice Mayor. She stated it would be difficult to go before a judge for a property maintenance violation and state that she “believed” it was a public safety hazard. She said it would be helpful to have the appropriate codes in place to address such issues.

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

Mr. Eller stated that he believed there were enough minor property maintenance violations to begin addressing first, with Altavista’s existing codes, in order to see the effects of the current ordinances and where revisions may need to be made to tackle more detailed property maintenance violations. He stated property owners may recognize the town working on minor issues and it may encourage them to abate their own issues/potential violations.

Councilman Higginbotham asked if the town had programs, or information about programs that would help senior citizens on a fixed income take care of an issue if they were cited for a property maintenance violation.

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Councilman Emerson stated Campbell County had programs for such matters and the Department of Social Services had information and resources for the programs.

Ms. Williams stated the town did not have any such program at that time. She informed Council the Department of Social Services received funds through the Department of Housing and Community Development for such programs. She stated local funds were distributed through the Lynchburg Community Action Group (LYNCAG).

Vice Mayor Bennett referenced the Community Block Grant, previously used to help property owner on 7th Street fix up their properties, and asked if the town still had funds available in the program.

Town Attorney John Eller informed Council that the program had expired.

Councilman Emerson informed Town Council and Town Staff that the Campbell County Sheriff's Office, under the direction of the Campbell County Board of Supervisors, recently designated a deputy specifically to code enforcement pertaining to derelict structures and property maintenance. He stated, since the Town of Altavista was part of Campbell County and its citizens paid both taxes, he recommended that staff contact Campbell County to inquire about Altavista getting assistance from the aforementioned officer when needed for such matters.

Councilman George referenced a house on Bedford Avenue that was recently run into by a vehicle and sustained foundation damage causing it to lean. He asked if the homeowner intended to have the issue fixed.

Ms. Williams stated the said homeowner lived out of town and when she contacted the only company she knew of, they were not willing to take on such a small task. Ms. Williams stated that she gave the homeowner a few additional phone numbers to contact and inquire about the matter.

Mayor Mattox stated he believed it was the vehicle owner's responsibility to use their car insurance and take care of fixing the home that they damaged, not the homeowner.

Ms. Williams stated that she just recently was made aware of the incident and was not fully aware of the details.

Councilman George stated there were multiple properties in town, several on Main Street, that fit the derelict description, and he believed the town could start working on those properties without new or revised town codes.

Ms. Williams stated that she would continue her efforts in addressing property maintenance issues as time allowed, however, there were other, more pressing, projects that she was also responsible for.

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

6. Updates and Informational Items

▪ Grass Mowing Services

Public Services Director Tom Fore informed Council that, under Council's previous direction, staff was re-advertising RFPs for the town's annual mowing service contract. He stated, this time, staff was asking for quotes for each, individual location, in hopes to gain more interest and receive more quotes for the mowing services.

Mayor Mattox thanked Mr. Fore for keeping Town Council up to date on this matter.

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7. Matters From Town Council

- Councilman George informed Council that the Parks & Recreation Committee recently voted in favor to meet bi-monthly, instead of every month, with the next meeting scheduled for September 20th.
- Mr. George referenced the Jenks River Trail, specifically the “loop” portion of the trail that tied the two pedestrian bridges together. He asked if the \$250,000 trail surfacing project was projected to start soon.

Public Services Director Tom Fore stated the \$250,000 was an estimate and included the initial wide trail and the secondary loop adjacent to the river. Mr. Fore stated staff intended for the tree removal project completed soon, then begin surfacing the trail with town millings.

Councilman Higginbotham stated it was important to surface the trail if the town intended to pave it in the future, and the aforementioned millings were a good material option.

There were no other questions or comments from Town Council.

8. Closed Session, conducted by Town Council

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)(3) regarding 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.

The motion was made by Vice Mayor Reggie Bennett, and seconded by Councilman Wayne Mitchell. Motion carried.

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

Town Council went into Closed Session at 6:20 p.m.

Notice was given that Council was back in regular session at 6:55 p.m.

FOLLOWING CLOSED SESSION:

A motion was made by Vice Mayor Reggie Bennett, seconded by Councilman Tracy Emerson, 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 identified in the motion convening the closed meeting were heard, discussed, or considered by Town Council.

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

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Town Manager Gary Shanaberger informed Town Staff, there was no direction or official actions taken after this Closed Session.

9. Adjournment

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

The July 26th, 2022, Council Work Session was adjourned at 6:58 p.m.

Michael Mattox, Mayor of Altavista

Gary Shanaberger, Town Manager/Town Clerk