

Town of Altavista

Town Council Work Session Agenda

J.R. "Rudy" Burgess Town Hall
510 7th Street
Altavista, VA 24517

Tuesday, September 22, 2015

5:00 PM Council Work Session

- 1. Call to Order**
- 2. Agenda Amendments/Approval**
- 3. Public Comments –Agenda Items Only**
- 4. Introductions and Special Presentations**
- 5. Old Business**
 - a. Certificate of Public Necessity and Convenience – Thomas Kathan
- 6. Items Contingent for the Regular Meeting**
 - a. Avoca Resolution
 - b. Manufacturing Day Resolution
 - c. Water Plant Emergency Repairs Update
- 7. Items Scheduled for the Regular Meeting Agenda**
 - a.
- 8. Public Comments – Comments are limited to three (3) minutes per speaker.**
- 9. Adjournment**

NEXT SCHEDULED REGULAR TOWN COUNCIL MEETING: TUESDAY, OCTOBER 13, 2015 @ 7:00 p.m.

Notice to comply with Americans with Disabilities Act: Special assistance is available for disabled persons addressing Town Council. Efforts will be made to provide adaptations or accommodations based on individual needs of qualified individuals with disability, provided that reasonable advance notification has been received by the Town Clerk's Office. For assistance, please contact the Town Clerk's Office, Town of Altavista, 510 Seventh Street, Altavista, VA 24517 or by calling (434) 369-5001.

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Members of Council invite and encourage you to attend whenever possible because good government depends on the interest and involvement of citizens.



Town of Altavista, Virginia Work Session Agenda Form

Meeting Date: September 22, 2015

Agenda Item: Certificate of Public Convenience and Necessity (Vehicle for Hire)

Summary: At the September 8th Town Council Regular Meeting, a public hearing was held on the Certificate of Public Convenience and Necessity application filed by Mr. Thomas Kathan. As Mr. Kathan was unable to attend the meeting due to a last minute work situation, Town Council conducted the hearing and deferred any action on the application until Mr. Kathan could be present and answer any questions that Council may have regarding the application.

The Town Code that addresses such applications states *“The council, upon such application, shall determine whether the public convenience and necessity requires the operation of the public vehicle for which the application is filed.”* Accordingly, it is Town Council’s role to make such determination in deciding whether to grant or deny the certificate.

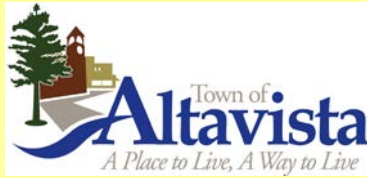
Budget/Funding: Not applicable.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Attachments: Town Council September 8th Meeting Agenda Item

Council Recommendations:

☐ Additional Work Session ☐ Regular Meeting ☐ No Action
Consensus Poll on Action ____ (Aye) ____ (Nay)



To: Mayor Mattox and Council members
From: Waverly Coggsdale, Town Manager
Date: September 8, 2015
Re: Certificate of Public Convenience and Necessity (Vehicle for Hire) - *Public Hearing*

Request

A public hearing to determine if a Certificate of Public Convenience and Necessity (PCN) should be issued to Thomas Kathan for a Vehicle For Hire.

Background

Mr. Thomas Kathan has made application for a certificate of public convenience and necessity to operate a “vehicle for hire” service in the town. Pursuant to Chapter 82 of the Town Code, a Certificate of Public Convenience and Necessity (PCN) must be obtained to operate or cause to be operated public vehicles within the town. Additionally, applications for Certificates PCN are normally filed between October 1 and 15 of each year, with Town Council hearing said requests between October 15 and December 31 annually. The Code goes on to provide that Council may grant additional certificates during the year, to expire on December 31 annually, but only after proper advertisement in the paper and a public hearing.

Accordingly, Mr. Kathan has submitted an application for a Certificate of Public Convenience and Necessity for a Vehicle for Hire and the item has been advertised in accordance with the ordinance. The application indicates that such certificate would be utilized to provide transportation between Altavista and the Lynchburg area. A certificate granted at this time would expire on December 31, 2015. Mr. Kathan could reapply during the aforementioned application period for calendar year 2016 and that application would be considered per the ordinance, which does not require a public hearing if the application is submitted during the aforementioned timeframe.

At this time, the Town Council should conduct a public hearing on the application of Mr. Thomas Kathan in regard to a Certificate of Public Convenience and Necessity for Vehicle for Hire. Following the public hearing, the Council shall determine whether the public convenience and necessity requires the operation of the public vehicle for which the application has been filed.

Staff believes that providing transportation alternatives between Altavista and the Lynchburg area will be an enhancement to the citizens and can work in conjunction with the Town’s local transit system.

The applicant will also need to comply with all other local, state and federal regulations, including zoning.

Discussion/Analysis

The Town Code requires that each individual that will drive/operate a public vehicle obtain a special license from the Altavista Police Department. The code also states that each vehicle “shall have on

the outside on both sides the name of the owner in letters not less than three inches high...” Also under Sec. 82-37 certain insurance requirements are set forth.

Recommendation

It is staff's recommendation that a determination of public convenience and necessity be made allowing for the issuance of a certificate and the issuance of operator's license, subject to the applicant adhering to the regulations set forth in Chapter 82 of the Town Code, to allow Thomas Kathan to operate one (1) vehicle for hire (transit bus) as outlined in the application. The applicant shall also comply with all other applicable local, state and federal regulations.

Alternatives

1. Grant the request of Mr. Kathan for one (1) “vehicle for hire” (transit bus) based on a finding of public convenience and necessity.
2. Deny the request to allow Mr. Kathan to operate one (1) “vehicle for hire” (transit bus) based on lack of public convenience and necessity.

Attachments: Application; Photo of vehicle; Notice of Public Hearing; Chapter 82 of Altavista Town Code; Police Department Memo

Date 7-28-15

The undersigned hereby makes application for a certificate to operate a taxi cab business in Altavista, Virginia for the year of 2015, and submits the following information.

Full name, home and business address of applicant

Thomas Alan Kathen 1-434-229-0101
1828. Sunset Dr
Altavista VA 24517

Financial ability and responsibility of applicant

Thomas Kathen

Name and address of person lending money or furnishing capital to applicant

Thomas Kathen
P.O. BOX 251
Altavista VA 24517

Number, kind, seating capacity, design and color scheme of each public vehicle

White and Blue Trans. Bus Handicap Access. Ramp

Convictions or plea of guilty, if any, for violation of any law

None

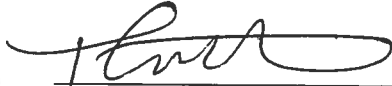
Experience of applicant in transportation of passengers for hire

Drive School Bus and also Private

Gitc Bus Service have a CDL Class B with Passenger Endorsements

Reasons why applicant believes public convenience and necessity require granting of his application

to Carry Passengers to Lynchburg From Altavista and From Lynchburg or areas to Altavista VA.



Applicant

**AUTHORIZATION FOR RELEASE
OF INFORMATION
FOR ALTAVISTA TAXI LICENSE**

I authorize the Town of Altavista, Virginia, to request and receive any and all information concerning me from any persons, schools, companies, corporations, partnerships, government sub-divisions, agencies or other entities including, but not limited to, law enforcement agencies, licensing agencies and any of my previous employers. This authorization includes, but is not limited to, authorization for the Town of Altavista to check and verify any information in my business application.

I hereby authorize any and all of the aforesaid enumerated parties to furnish the Town of Altavista any and all information concerning me.

I further release all parties referred to herein and the Town of Altavista, and/or employees from any and all liability and responsibility arising out of the release of any information concerning me.

Name: Kathan Thomas A Maiden (?) _____

Last

First

Middle

Date of Birth: 8-5-1978 (Only used for record confirmation)

Social Security Number: _____

Current Address: 1828 Sunset Dr How long? 5 years

City, State, Zip: Altavista VA

Previous Address: 237 Tanyard Rd How long? 3 years

City, State, Zip: Hart VA 24563

Driver's License # and State issued: _____

Please list all other names that information may be listed under:

Signed: [Signature] Date: 7-29-15

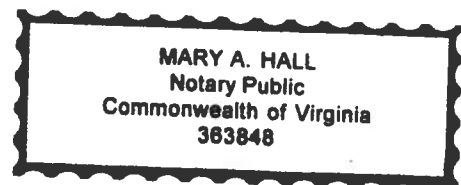
Must be signed in the presence of a notary for the application to be valid

Subscribed and sworn to before me this 29th day of July 2015

Mary A. Hall

Notary Public

My Commission expires on 10/31/17





TOWN OF ALTAVISTA

Notice is hereby given that a Public hearing will be held at the regular monthly meeting of the Altavista Town Council on Tuesday, September 8, 2015 at 7:00 P.M. in Council Chambers of the Town Hall, 510 7th Street, Altavista, VA, 24517. The Council will consider an application for a Certificate of Public Convenience and Necessity for a Public Vehicle - For Hire, per Town Code Section 82, as requested by Thomas Alan Kathan, 1828 Sunset Drive, Altavista, VA, 24517. A copy of the application may be viewed at the Town Hall. The public is invited to attend and comment on the application.

J. Waverly Coggsdale, III
Town Clerk/Town Manager

LETTERS TO THE EDITOR

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PUBLISHED: August 26, 2015 and September 2, 2015

ARTICLE I. IN GENERAL

Secs. 82-1—82-30. Reserved.

ARTICLE II. PUBLIC VEHICLES**Sec. 82-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driver means any person operating a public vehicle.

Owner means any person having control of the operation or maintenance of a public vehicle or of the collection of revenue derived from its operation.

Public vehicles means any motor vehicles used for the transportation for a consideration of passengers upon the streets of the town, other than common carriers of persons operating as public carriers by authority of the state department of motor vehicles or under a franchise granted by any county, city or town. Any public service corporation or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, except as provided in Code of Virginia, § 58.1-3731, or as permitted by other provisions of law.

(Code 1968, § 11-61)

Cross reference—Definitions generally, § 1-2.

State law reference—Similar provisions, Code of Virginia, §§ 46.2-2064, 58.1-3703.

Sec. 82-32. Certificate of public convenience and necessity.

(a) *Required.* It shall be unlawful to operate, or cause to be operated, public vehicles within the town without having first received a certificate of public convenience and necessity as provided in this section.

(b) *Applications.* Application in duplicate for a certificate of public convenience and necessity shall be made by the owner or proposed owner to the town council and shall furnish the following information:

- (1) Full name, home, and business addresses of applicant.
- (2) Financial ability and responsibility of applicant.
- (3) Name and address of person lending money or furnishing capital to applicant.
- (4) Number, kind, seating capacity, design and color scheme of each public vehicle.
- (5) Convictions or plea of guilty, if any, for violation of any law.
- (6) Experience of applicant in transportation of passengers for hire.

- (7) Reasons why applicant believes public convenience and necessity require granting of his or her application.

(c) *Action on application.* Application shall be filed in duplicate by the owner or proposed owner with the clerk of the town council between October 1 and 15, both inclusive, after which the town clerk shall furnish a copy to the chief of police who shall investigate the matter and report in writing to the town clerk prior to the council's next regular meeting. The town council shall hear requests for applications between October 15 and December 31 annually, after notice as to the time and place of the meeting to all holders of certificates and applicants for certificates. Applications shall be mailed at least ten days prior to the hearing, but such hearing may be continued from time to time without further notice. The town council may, for cause, cancel or revoke or suspend any certificate after notice to the holder of the certificate. The council, upon such application, shall determine whether the public convenience and necessity requires the operation of the public vehicle for which the application is filed. The town council is authorized to grant or refuse the certificate applied for, or to grant a certificate for a lesser number of vehicles than that specified in the application. Upon determination by the town council to grant a certificate, the town clerk shall transmit such certificate to the applicant, giving the name of the owner, number, kind and description of vehicle, date of issuance and expiration of the certificate, which certificate shall expire at the end of December 31 annually, unless revoked or suspended as provided in this article. Certificates shall not be transferable, and no license for the operation of any public vehicle shall be issued until the certificate shall have been issued. In addition, the town council may, at any time, grant additional certificates of public convenience and necessity to expire on December 31 annually, upon duplicate applications by an owner or proposed owner, containing the information required by subsection (b) of this section, being filed with the clerk of the town council, but no certificate shall be granted by the town council in such case as is provided in this subsection, until the applicant shall have advertised once a week for two successive weeks, within a month prior to the regular meeting of the town council at which application will be made, in a newspaper of general circulation in the town or county or counties contiguous to such town, giving the name of the applicant, the date of the regular meeting of the town council at which application will be made, and the fact that he or she is applying for a certificate for operation of a public vehicle. Such application may be acted upon, favorably or unfavorably, at such meeting or a subsequent meeting of the town council after consideration of a report in writing, after his or her investigation, made by the chief of police to the town council.

(Code 1968, §§ 11-62—11-64)

Sec. 82-33. Operator's license.

(a) *Required.* No person shall drive or operate public vehicles within the town unless he or she shall have obtained from the chief of police a special license for the purpose, which the chief of police shall grant unless the applicant for such operator's license shall, in the opinion of the chief of police, be disqualified because of physical condition, including defective hearing or defective eyesight, addiction to intoxicating liquors, narcotics, drugs, or has been convicted of

a violation of a criminal law. The chief of police may require of such applicant for an operator's license that he or she take a medical examination and submit the findings to the chief of police.

(b) *Revocation and suspension.* Upon conviction or violation of any criminal law involving moral turpitude, the license shall become void, and the licensee shall forthwith surrender it to the chief of police. The judge, or the mayor or other trial officer, invested with authority to try violations of ordinances of the town, shall have power to revoke or suspend such license for repeated violations of the traffic laws, failure to report an accident, operation of a vehicle not in good order, conviction or reckless driving, charging illegal rates, violation of laws, and ordinances, failure or refusal to complete accepted calls in the absence of satisfactory reasons. (Code 1968, §§ 11-65, 11-66)

Cross reference—Business, professional and occupational licenses, § 22-41 et seq.

Sec. 82-34. Revocation or suspension of owner or operator licenses; additional provisions.

For failure or refusal to complete accepted calls as promptly as possible, and for any other violations of any of the provisions of this article, the judge, or the mayor or other trial officer, invested with authority to try violations of ordinances of the town, may, in addition to any other penalty prescribed, revoke or suspend the license of the owner or operator. (Code 1968, § 11-67)

Sec. 82-35. Condition of vehicles.

Every public vehicle for which a certificate is issued shall be kept in good order and repair at all times, and no public vehicle shall be substituted for that described in the certificate until investigated and approved by the chief of police and endorsed on the certificate by him or her. (Code 1968, § 11-68)

Sec. 82-36. Identification and rates.

Every public vehicle shall have on the outside on both sides the name of the owner in letters not less than three inches high. The rates in effect shall be posted in a conspicuous place inside the vehicle and shall be exhibited to any person so demanding. (Code 1968, § 11-69)

Sec. 82-37. Accidents and insurance.

(a) Every accident in which any public vehicle is involved shall be immediately reported to the chief of police. Each owner shall file with the clerk of the town council and keep effective at all times a policy of insurance in some duly licensed insurance company authorized to do business in the commonwealth or providing a surety bond approved by the town council with some solvent surety in the amount specified in this section, conditioned on such owner responding in damages, or provide a cash bond in the amount specified, covering damages for

liability incurred on account of any injury to persons or damage to property resulting from the operation of such public vehicle, taxicab or for hire car as provided in subsection (b) of this section.

(b) The policy of insurance referred to in subsection (a) of this section shall insure the insured or other person against loss from any liability imposed by law for damages, including damages for care and loss of services, because of bodily injury to or death of any person, and injury to or destruction of property caused by accident and arising out of the ownership, use, or operation of such motor vehicle within the commonwealth, any other state in the United States, or Canada, subject to a limit exclusive of interest and costs, with respect to each motor vehicle, of \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and to a limit of \$20,000.00 because of injury to or destruction of property of others in any one accident.

(c) Surety or cash bonds shall be for or in the amount of at least \$50,000.00 for each public vehicle for which a certificate is issued under this article. Each such policy of insurance shall contain a clause whereby the policy may not be canceled until after 30 days' notice of intention to cancel shall have been given to the town clerk.

(Code 1968, § 11-70)

State law reference—Similar provisions, Code of Virginia, § 46.2-472.

Sec. 82-38. Penalty for violation of article.

Every owner or operator of a motor vehicle used as a vehicle for the transportation of persons for a consideration on any highway, street, road, lane or alley in the town who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, be fined not more than \$100.00 for the first offense and not more than \$500.00 for each subsequent offense.

(Code 1968, § 11-71)

State law reference—Similar provisions, Code of Virginia, § 46.2-2066.

Chapters 83—85

RESERVED

B.L. Stocks
Captain



Phone: (434)369-7425

P.O. Box 420, 510 Seventh St. Altavista, Va. 24517

Fax: (434)369-5046

Date: August 3, 2015

To: Captain B.L. Stocks

From: Sergeant Gary E. Penn

Re: Taxi License for resident Thomas A. Kathan

This memorandum is in reference to a request from The Town of Altavista to conduct a Background investigation on Altavista resident Thomas A. Kathan.

DMV records ran on 07/29/2015; show that Thomas Kathan holds a valid Virginia license with +5 points.

A check through NCIC/VCIN was conducted on 7/29/2015 and shows no criminal history for Mr. Kathan.



Town of Altavista, Virginia Work Session Agenda Form

Meeting Date: September 22, 2015

Agenda Item: Items Contingent for the Regular Meeting

Summary: There are several items that staff will present at the Work Session for consideration and or informational purposes. They are:

- ❖ **Avoca Resolution:** Mike Hudson, Executive Director will be traveling to England and would like to present the attached resolution during his visit to the City of Galway.
- ❖ **Manufacturing Day Resolution:** Dennis Jarvis will present a resolution declaring Friday, October 2, 2015 as National Manufacturing Day.
- ❖ **Water Plant Emergency Repairs Update:** Staff will present information relative to this project.

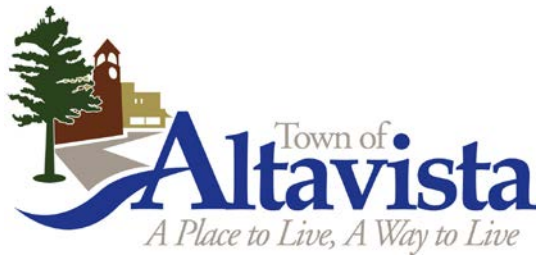
Budget/Funding: The Water Plant Emergency Repairs Update will provide information in regard to budget/funding for the project.

Legal Evaluation: The Town Attorney will be available to address legal issues.

Attachments: Avoca Resolution

Council Recommendations:

- ☐ Additional Work Session ☐ Regular Meeting ☐ No Action
 Consensus Poll on Action ____ (Aye) ____ (Nay)



WHEREAS, the area now known as the Town of Altavista, in the Commonwealth of Virginia, United States of America traces its English-speaking roots to the Lynch family, originally from the City of Galway, in the province of Connacht; and

WHEREAS, an immigrant from Galway, one Charles Lynch, Sr., journeyed to Virginia in 1720 as an indentured servant and seeking to make his way in America; and

WHEREAS, Charles Lynch, Sr. enjoyed success in America thanks in large part to the assistance and friendship of the Clark family and the Quaker Church; and

WHEREAS, the Lynch family of Virginia played an instrumental role in the settlement, infrastructure expansion, and economic progress of English-speaking Virginia; and

WHEREAS, one Colonel Charles Lynch of this family served as a zealous and active Patriot of the Revolution who performed in many capacities as a representative, legislator, and field-grade officer in defense of his Commonwealth and country; and

WHEREAS, Colonel Lynch contributed logistically to the cause of American independence through his efforts to mine saltpeter and as Superintendent of Lead Mines for Virginia; and

WHEREAS, the Lynch family of central and southern Virginia provided a great deal of support in developing the settlements now known as the City of Lynchburg, Virginia and Town of Altavista, Virginia; and

WHEREAS, relatives and descendants of the Lynch family have consistently improved the community in which the people of Altavista, Virginia live today; NOW, THEREFORE,

BE IT RESOLVED, by the Town Council of the Town of Altavista, Virginia that this Council appreciates the contributions of Irish-Americans to the establishment of our nation, recognizes our Irish heritage, affirms the deepest respect for the people of Ireland, and sustains goodwill toward the City of Galway.

Approved this 22nd day of September, 2015 by the Town Council of Altavista, Virginia, United States of America.

Michael E. Mattox, Mayor