



Town Manager

Eric S. Pollitt

Town Treasurer

Tina F. Brock

Town Clerk

Patsy K. Scates

Chief of Police

Thomas D. Carter

Town Attorney

M. Tolley Gwinn

Mayor

Roy M. Gladding

Town Council

Troy L. Balderson

Katherine B. Carlton

A. Fleet Dillard III

Kenneth A. Gillis

Carolyn Barrett

Anita Latane

TOWN OF TAPPAHANNOCK

P. O. Box 266

Tappahannock, Virginia 22560

(804) 443-3336 Fax (804) 443-1051

www.tappahannock-va.gov

Tappahannock Town Council Meeting

Tuesday, October 15, 2024

6:00 p.m.

Tappahannock Municipal Building

915 Church Lane

Tappahannock, Virginia 22560

Please find the following enclosed:

1. Agenda
2. Agenda Notes
3. Water and Sewer Report
4. Financial Reports
5. Town Manager Report
6. Community Development Report
7. Tappahannock Police Reports
8. USDA-RD Resolution and Documents
9. Summit Design Documents
10. Mural Ordinance Draft Documents
11. Minutes – Two (2) Sets
 - September 9, 2024, Public Hearing Meeting Minutes
 - September 9, 2024, Regular Council Meeting Minutes
12. Tappahannock Police Department -90 days transition period report



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TAPPAHANNOCK TOWN COUNCIL

AGENDA

TUESDAY, OCTOBER 15, 2024

6:00 P.M.

TAPPAHANNOCK MUNICIPAL BUILDING

915 CHURCH LANE

TAPPAHANNOCK, VA 225620

WORK SESSION – 6:00 P.M.

- Tim Dean and Mel Hoskins from TRC to discuss the Old Airport Redevelopment

The regular Town Council Meeting will be called to order at 7:00 p.m.

1. Call to order
2. Welcome Visitors
3. Reading and Approval of the September 9, 2024, Public Hearing Meeting Minutes and the September 9, 2024, Regular Council Meeting Minutes
4. Committee Reports
 - a. Water/Sewer – Gillis
 - b. Public Facilities – Balderson
 - c. Historic Downtown Tappahannock – Latane
 - d. Finance – Latane
- 4.1. Approval of the financial report for the month of September 2024
- 4.2. Town Manager Report
- 4.3. Community Development Report
- 4.4. Tappahannock Police Department Report
- 5.0. New Business
- 5.1. Chesapeake Gateway Committee

Council should select from among its members a volunteer to be a representative to the Chesapeake Gateway Committee on behalf of the Town.
- 5.2. USDA-RD Resolution & documents to be approved for vacuum pump truck

Council should consider the of the adoption and approval of the USDA Resolution and documents to obtain financial assistance from USDA-RD to purchase a vacuum pump truck.
- 5.3. Summit Design & Engineering Services

Council should consider granting approval to Town Manager Pollitt and Assistant Town Manager Knighton to obtain the services of Summit Design & Engineering Services update the Zoning Ordinance.
- 5.4. Mural Ordinance

Council should consider the draft Mural Ordinance for a Joint Public Hearing at the November Council Members.
- 5.5. 510 Architects Central Park Implementation Plan

Council should consider approving the Central Park Pavilion Implementation Plan
- 5.6. Delegate Keith Hodges

Delegate Keith Hodges would like to address the Town Council members.



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TO: Mayor, Vice Mayor and Council Members
DATE: October 11, 2024
REFERENCE: Agenda Notes

I was asked to provide you with some guidance when making a motion.

I have listed the agenda items below that require a motion. If it is Council's wishes to make a motion, then please make the motion as follows:

- **Agenda Item 3 – Reading and approval of the minutes**
 - September 9, 2024- Public Hearing Meeting Minutes
 - September 9, 2024, Regular Council Meeting Minutes

I move to approve the September 9, 2024, Public Hearing meeting minutes and the September 9, 2024, Regular Council meeting minutes.

- **Agenda Item 4.1. – Approval of the Financial report for the month of September 2024.**

I move to approve the financial report for the month of September, 2024.

- **Agenda Item 5.1. – Chesapeake Gateway Committee**

I move _____ shall be a representative to the Chesapeake Gateway Committee on behalf of the Town of Tappahannock.

- **Agenda Item 5.2. – USDA-RD Resolution and documents to be approved for vacuum pump truck**

I move to adopt and approve the USDA-RD Resolution and documents to obtain financial assistance from USDA-RD to purchase a vacuum pump truck.

- **Agenda Item 5.3. – Summit Design & Engineering Services**

I move to grant approval to Town Manager Pollitt and Assistant Town Manager Knighton to obtain the services of Summit Design and Engineering Services to update the Town of Tappahannock Zoning Ordinance.

- **Agenda Item 5.5. – 510 Architects Central Park Pavilion Implementation Plan**

I move to approve the Central Park Pavilion implementation plan as presented.



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Wastewater Treatment Plant Month of September 2024

September 2024

- Treatment plant had an average daily Final Effluent flow of .349MGD with a total of 10,467,000 million gallons discharged.
- All nutrient results for the month of September are within our permit required limits.
- September DMR will be completed and submitted before October 10th.
- August plant switch over is still running smooth, with no issues to report.
- Plant had a minor disruption with process, a RAS flow meter stopped working, and needed repair / repairs are complete and unit is operating normally.
- One of the main generators needed to be repaired, repairs have been done and unit is working properly.
- Nothing to report for water, J.B. is in control of water as of September, if J.B. needs assistance with water we will help if needed.
- Transition of Adam leaving and I taking over has gone very smoothly, I see everything running smoothly from here on out.

Public Works Month of September 2024

The Maintenance Superintendent does not have anything to report for the month of September, 2024.

Town of Tappahannock

Monthly Financial Report to Council for September 2024

General Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
Funds Balance/Reserves (1)	\$1,705,450.00	\$2,594,696.79 (*)	N/A
Fund Revenue	\$5,275,105.00	\$969,373.29	18.38%
Total Revenue	\$6,980,555.00	\$3,564,070.08	51.06%
Expenditures:			
General Gov. Adm.	\$1,638,265.00	\$411,248.55	25.10%
Police	\$1,336,715.00	\$351,440.26	26.29%
Fire and Rescue Servs	\$100,395.00	\$18,848.75	18.77%
Public Works	\$1,468,400.00	\$324,357.96	22.09%
Unclassified	\$463,375.00	\$98,617.99	21.28%
Transfers Out W/S Fund	\$142,030.00	\$142,030.00	100.00%
Transfer to Cap. Projects (2)	\$1,435,725.00	\$1,435,725.00	100.00%
Debt Service	\$395,650.00	\$62,175.20	15.71%
Total Expenditures	\$6,980,555.00	\$2,844,443.71	40.75%
Total Revenues Less			
Total Expenditures (3)	\$0.00	\$719,626.37	

(1) Balance Forward net income from prior year

(2) Transfer to Cap. includes General Government and Water and Sewer Capital Funds

(3) End of Month Fund Balance

(*) Estimated number subject to change upon completion of prior year audit

Town of Tappahannock

Monthly Financial Report to Council for September 2024

General Government Capital Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
Capital Projects			
CIP Funds Balance/Reserves (1)	\$288,455.00	\$1,464,132.03	507.58%
Transfer from Gen Fund (2)	\$1,195,725.00	\$1,195,725.00	100.00%
Fund Revenue (Int. on Deposits)	\$0.00	\$13,089.66	100.00%
Grant Revenue	\$2,252,870.00	\$12,750.00	0.57%
Loan Revenue	\$978,050.00	\$915,000.00	93.55%
Total Revenue	\$4,715,100.00	\$3,600,696.69	76.37%
Expenditures:			
Capital Projects			
Police	\$0.00	\$0.00	0.00%
Public Works	\$0.00	\$0.00	0.00%
Budget Surplus (3)	\$68,225.00	\$0.00	0.00%
Community Development (4)	\$511,000.00	\$19,077.50	3.73%
Downtown Revitalization	\$185,000.00	\$0.00	0.00%
Newbill Property-Debt Issuance Cost	\$0.00	\$62,194.07	0.00%
Central Park Project	\$490,000.00	\$589,716.37	120.35%
Hoskins Creek Project-Phase 1	\$3,460,875.00	\$0.00	0.00%
Total Expenditures	\$4,715,100.00	\$670,987.94	14.23%
Total Revenues			
Less Total Expenditures (5)	\$0.00	\$2,929,708.75	

(1) Balance Forward net income from prior year

(2) General Fund Transfer Revenue

(3) Funds set aside for Reserve and Future Use

(4) VEDP and RAISE Access

(5) End of Month Fund Balance

Town of Tappahannock

Monthly Financial Report to Council for September 2024

Water and Sewer Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2023 / 2024 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
Funds Balance/Reserves	\$142,030.00	\$541,677.25	381.38%
Transfer from Gen Fund (1)	\$142,030.00	\$142,030.00	100.00%
Fund Revenue	\$1,954,674.00	\$565,851.28	28.95%
Total Revenue	\$2,238,734.00	\$1,249,558.53	55.82%
Expenditures:			
Water and Sewer Operations	\$1,593,189.00	\$341,833.36	21.46%
Budget Surplus (2)	\$50,000.00	\$0.00	0.00%
Debt Service	\$595,545.00	\$215,425.69	0.00%
Total Expenditures	\$2,238,734.00	\$557,259.05	24.89%
Total Revenue Less			
Total Expenditures (3)	\$0.00	\$692,299.48	

(1) General Fund Transfer Revenue

(2) Funds set aside for Reserve & Future Use

(3) End of the Month fund Balance

Town of Tappahannock

Monthly Financial Report to Council for September 2024

Water and Sewer Capital Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
Capital Projects			
Transfer from Gen Fund (1)	\$240,000.00	\$240,000.00	100.00%
Grant Revenue	\$250,000.00	\$0.00	0.00%
Loan Revenue	\$187,000.00	\$0.00	0.00%
Total Revenue	\$677,000.00	\$240,000.00	35.45%
Expenditures:			
W/S CIP3-VDH Wtr Mapping LSL	\$250,000.00	\$85,520.00	34.21%
W/S CIP4-Marsh St. Swr Line Re-route	\$165,000.00	\$0.00	0.00%
Vac / Pump Truck Replacement	\$187,000.00	\$0.00	0.00%
Budget Surplus (2)	\$75,000.00	\$0.00	0.00%
Total Expenditures	\$677,000.00	\$85,520.00	12.63%
Total Revenue			
Less Total Expenditures (3)	\$0.00	\$154,480.00	
(1) General Fund Transfer Revenue			
(2) Funds set aside for Reserve & Future Use			
(3) End of the Month Fund Balance.			

ARPA Capital Projects

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
ARPA Capital Projects			
Round 1 ARPA Funds	\$157,210.00	\$0.00	100.00%
Round 2 ARPA Funds	\$1,246,057.00	\$140,285.22	100.00%
Total Revenue	\$1,403,267.00	\$140,285.22	100.00%
Expenditures:			
ARPA Capital Projects			
Sewer I & I Rehab	1,236,820.00	\$9,509.36	0.77%
Contingency	166,447.00	\$130,775.86	78.57%
Total Expenditure	\$1,403,267.00	\$140,285.22	10.00%
Total Revenue			
Less Total Expenditures		\$0.00	

Town of Tappahannock

Monthly Financial Report to Council for September 2024

Cemetery Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue:			
Balance Forward net income from PY	\$5,000.00	\$5,000.00	100.00%
Sale of Cemetery Lots	\$11,250.00	\$1,167.00	10.37%
Interest on Deposits	\$5,500.00	\$1,624.18	29.53%
Total Revenue	\$21,750.00	\$7,791.18	35.82%
Expenditures:			
Legal & Recording of Deeds	\$850.00	\$21.00	2.47%
Grass Cutting	\$15,200.00	\$0.00	0.00%
Electricity	\$300.00	\$51.78	17.26%
Repair & Maintenance	\$5,200.00	\$0.00	0.00%
Purchase of Lots	\$200.00	\$0.00	0.00%
Total Expenditures	\$21,750.00	\$72.78	0.33%
Total Revenue			
Less Total Expenditures (1)	\$0.00	\$7,718.40	

(1) End of the Month Fund Balance

Town of Tappahannock

Monthly Financial Report to Council for September 2024

Industrial Revitalization Fund

	Annual Budget Fiscal Year FY 2024 / 2025	Actual 2024 / 2025 Budget to Date July - September	% left for the year 3 of 12 months July - September 25%
Revenue: (*)			
IRF			
Interest on Outstanding	\$5,716.00	\$1,481.67	25.92%
Principal on Outstandin	\$22,565.00	\$5,588.58	24.77%
Total Revenue	\$28,281.00	\$7,070.25	25.00%
Expenditures:			
Budget Surplus	28,281.00	\$0.00	0.00%
Total Expenditure	\$28,281.00	\$0.00	0.00%
Total Revenue			
Less Total Expenditures		\$7,070.25	

(*) IRF Loan to 1710 Tavern - Greg Huff

Central Park Project FY2023-FY2025

As of September 30, 2024

<u>Cost Category</u>	Total Project Costs	Previous Disbursements	Disbursement This Period (Month)	Disbursements to Date	Remaining Balance
Pickleball Courts	\$ 75,000.00	73,646.44	-	\$ 73,646.44	1,353.56
Site Work	\$ 1,282,340.25	1,079,243.51	81,457.78	\$ 1,160,701.29	121,638.96
Playground and Splash Pad	\$ 600,000.00	301,203.75	268,000.54	\$ 569,204.29	30,795.71
Engineering and Administration	\$ 190,000.00	148,108.23	14,780.00	\$ 162,888.23	27,111.77
Contingency	\$ 32,500.00			\$ -	32,500.00
Total Expenses	\$ 2,179,840.25	\$1,602,201.93	\$364,238.32	\$1,966,440.25	\$213,400.00



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MEMORANDUM

Town Manager Report 10/15/2024

Strategic Objectives Next 6 Months for Year 2024

1. Complete architectural plans for structures at Central Park.
2. Start construction for Phase 1 of Hoskins Creek.
3. Finish Industrial Park design and engineering. (identify funding and implementation options)
4. Complete water system mapping project.
5. Finalize Phase 2 engineering of sewer project and identify funding sources.

Ongoing Major Council Initiative Projects

1. Central Park Project – The park playground is now open. Staff are working with architects to complete the restroom and pavilion structure plans before the end of the year.
2. Water System Mapping – Staff are working with CHA Solutions on a small list of outstanding questions to close out the grant later this month. The map will continue to be updated with more detail even after the grant is closed out.
3. Hoskins Creek
 - i. Boating Infrastructure Grant (BIG Grant) –The Town finally received a notice of award for us to proceed with permitting and design, but not construction. This is still great news. Now these expenses will become eligible for reimbursement through the grant.
 - ii. Shoreline Restoration – Construction started October 7th. The substantial infrastructure aspects of the project are anticipated to take 45 days to complete. Wetland plantings will be installed either before winter or early next spring.
 - iii. Rec. Access Rd. – VDOT staff will be reviewing the road plans this month. The total amount of time it will take for review is estimated to be 45 days.

5. Old Airport Development

- i. Site Design VEDP – TRC Engineers will attend the October Council meeting to discuss the site and potential implementation options. When to start construction of the property will be discussed at the upcoming Council Retreat in October.

Other Initiatives in Progress

1. The Fall Retreat will focus on of goal setting for the years 2025-2026. The date of Wednesday October 30th has been selected. The retreat will start at 5pm and last until 9pm. Retired Manager/Administrator Kim Payne from the Berkley Group will be facilitating the retreat.
2. Tourism Program – Staff has updated the events page on the visittappahannock.com website.
3. Fleet Management – A new pump truck will be purchased for the General Services Department. Purchase and financing documents will be presented in October to the Council.
4. Sewer Rehab Phase 2 Project – CHA is drafting a Phase 2 report for our sewer infrastructure needs. This will include a variety of upgrades such as completing the lining and manhole work for downtown, and pump station repairs with electrical upgrades. Engineering design is anticipated to be finished in 2025 and construction for the next phase to start in 2026.
5. River realm – Staff met with Virginia's River Realm participants in late August. Staff are waiting for an agreement to be reviewed and approved.
6. Town Code and Zoning Text Updates – Staff will begin working on updates to our zoning text and sections of Town Code. We will aim to have these changes adopted at one public meeting.



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Monthly Report – September 2024 Community Development and Zoning Administration

PLANNING COMMISSION (PC)

- The PC monthly meeting was held on October 2, 2024.
- The Commission is continuing their work on updates to the Short Term Rental and Mural Ordinance. Public hearings will be scheduled on these items in the coming months.
- Draft mural ordinance was presented to the PC in September and is included in your Council Packets for further discussion.
- Draft short term rental ordinance was presented to the PC on October 2nd. Draft language will be presented to Council at their November meeting with hopes of scheduling a Joint Public Hearing in December.

BOARD OF ZONING APPEALS (BZA)

- The BZA did not meet in October.

LARGER PROJECTS

- Town/County Boundary – At the TC meeting on February 12th TC approved the recommended “pink” boundary line as the acceptable town/county boundary line. It is the goal to ensure that the original town boundaries, as reflected on the Official Zoning Map dated September 16, 1993, are honored, and maintained. On February 13, 2024, Essex County’s agenda included the discussion of the town/county boundary clarification. At this meeting the County did not take action, asking staff and the County Attorney to clarify a few questions. During this review further research has been taken to evaluate the September 29, 1975, Annexation document (Reference Law Order Book 14 pgs. 97+). This review is on-going. County has indicated a desire to wait until after July 1, 2024, to resume these discussions. Still awaiting response from County.
- Public Maintenance Facility/Access Roads – Staff provided Dr. Thomas and his team a summary regarding the proposed boundary plat and alternative road alignments submitted to the Town

for consideration. The summary outlined the findings and recommendations based on a review by the Town's Consulting Engineers, TRC.

- VEDP Grant - Staff continues to coordinate with TRC, the Town's consultant engineers. Site design is virtually complete and will be sent to various agencies for review. Staff has started the process for grant closeout and begun looking for potential funding sources for site construction.
- FEMA – The FEMA Community Action Visit (CAV) visit was conducted March 19-21. A summary report from FEMA has been received outlining the corrective action plan with a requirement to respond 60 days from April 24, 2024. The Town's legal counsel and staff have worked with the Berkley Group to form a response to FEMA and provide service to the Town for administration of the Town's Floodplain Ordinance. A meeting has been scheduled with FEMA, The Berkley Group, Sands Anderson and Town Staff on October 10, 2024, to review our corrective action plan.
- Berkley Group – The Berkley Group has assisted the Town in reviewing and drafting the mural ordinance, tracked the action by the Governor as related to short-term rentals and prepared a summary memo and draft short term rental ordinance for review, and responded to FEMA for the CAV.

COORDINATION WITH OUTSIDE AGENCIES

- MPPDC - The Monthly planners' meeting was canceled in lieu of a meeting with Virginia Department of Health for updates on the transition of the Chesapeake Bay Act septic pump out program.

NEW ACTIVITY

- Starbucks – construction is underway, Signs, water connection and sewer connection have all been approved. Tap was made successfully on Town waterline in the middle of August. Water meter has been installed and paving has been completed. Interior buildout should begin in the coming weeks.
- Fitzgerald's Sports Bar – Zoning and Sign permits have been issued. Waiting on revised plumbing plan to show inclusion of dishwasher and dishwasher drain line being routed through the grease interceptor. No further update on progress at this site. No building permits have been issued at this time.
- Robles Cantina at 1607 Tappahannock Blvd. (formerly Shoney's Restaurant). Rose Umana and Saul Garcia. Zoning permit has been issued including an alternative grease Interceptor. Grease interceptor design was changed from original approval. Waiting for updated information from their engineer to confirm adequacy. Essex County has issued a Certificate of Occupancy. Restaurant should be open in the next month.
- A new site plan had been received for the Primis Bank property located at 307 S Church Ln. The proposed use is a Convenience store. Initial review of the site plan has been completed with revisions requested. We are waiting for the second submittal.



TAPPAHANNOCK POLICE DEPARTMENT



Thomas Carter
Chief of Police
tcarter@tapp-pd.org

Monthly Crime Report

Date Prepared: October 4, 2024

Activities reported September 1, 2024 through September 30, 2024

CONTACT US

TAPPAHANNOCK POLICE DEPARTMENT

**P.O. Box 266
104 COMMERCE ROAD
TAPPAHANNOCK, VA 22560**

PHYSICAL ADDRESS

**104 COMMERCE RD, TAPPAHANNOCK, VA, UNITED STATES, VIRGINIA
TELEPHONE: (804) 443-3992**

WEBSITE

**[HTTPS://WWW.TAPPAHANNOCK-
VA.GOV/ABOUT_US/TAPPAHANNOCK_POLICE_DEPARTMENT.PHP](https://www.tappahannock-va.gov/about_us/tappahannock_police_department.php)**



This presentation has been prepared based on the information available at publication date, including information derived from other sources.
The reporting information included in this presentation is preliminary and for discussion purposes only.



Tappahannock Police Department
Colonel Thomas Carter
Chief of Police

**Section I: Major Incidents**

<u>Date</u>	<u>Offense</u>	<u>Age</u>	<u>Defendant</u>
9/10/2024	Abduction, domestic assault, strangulation, felony larceny, credit card larceny	40	La'Marc D. Martin

Section II: Arrest

<u>Date</u>	<u>Charge</u>	<u>Age</u>	<u>Name</u>
9/3/2024	Unauthorized Use of vehicle valued >-\$1000	61	Larry Robert Huyser
9/3/2024	Destruction of Property, Obstruction of Justice	27	Trey Z. Alexander
9/5/2024	Trespassing	63	Dorrine Keith
9/6/2024	Shoplifting (3) counts	25	Tatyana M. Jones
9/7/2024	Destruction of Property	24	Cody Broache
9/7/2024	Trespassing and destruction of property	63	Mark Andrew Jones
9/7/2024	Assault and Batter, prevent help: obstruct com. Sent thru telephone	32	Aaron D. Murdaugh
9/8/2024	Shoplifting (2) counts	28	Shuquesha Hickman
9/10/2024	Capias: (4) counts of Violate probation felony offense	28	Tyreek R. Handy
9/10/2024	Tamper with motor vehicle	18	Rebecca Woods
9/10/2024	Tamper with motor vehicle	31	Kevin T. Pitts-Fortune
9/12/2024	Shoplifting (3) counts	43	Amy Bynum
9/12/2024	Shoplifting (2) counts	38	Joseph Bynum
9/12/2024	Shoplifting	31	Luis A. Rosas-Bustamante
9/13/2024	DWI, make/use imitation inspection sticker, operate motor vehicle with improper tail light, drinking while driving, and trespassing	30	Joshua N. Freeman
9/13/2024	Tamper with motor vehicle	24	Damian D. Pitts
9/18/2024	Trespassing	33	Warren E. Childs
9/19/2024	Drunk in public	30	Joshua W. Freeman
9/25/2024	Shoplifting	53	Rodney Fortune
9/27/2024	Shoplifting (5) counts	18	Abigal N. Dunaway
9/27/2024	Shoplifting (7) counts	29	Dayonna Bradford
9/30/2024	Shoplifting	43	Elizabeth Anne Hammer

Section III Traffic Citations

Date: September 2023	Tappahannock Police Department	136
Date: September 2024	Tappahannock Police Department	90
% of Change		46%

Traffic Accidents	12
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TOTAL
EMERGENCY COMMUNICATIONS CALLS FOR SERVICE

LAW CALLS FOR SERVICE	1118
EMS CALLS FOR SERVICE	168
OFFICER SELF INITIATION	668

TOTAL 1954



Town Manager

Eric S. Pollitt

Town Treasurer

Tina F. Brock

Town Clerk

Patsy K. Scates

Chief of Police

Thomas D. Carter

Town Attorney

M. Tolley Gwinn

Mayor

Roy M. Gladding

Town Council

Troy L. Balderson

Katherine B. Carlton

A. Fleet Dillard III

Kenneth A. Gillis

Carolyn Barrett

Anita Latane

TOWN OF TAPPAHANNOCK

P. O. Box 266

Tappahannock, Virginia 22560

(804) 443-3336 Fax (804) 443-1051

www.tappahannock-va.gov

USDA-RD RESOLUTION OF GOVERNING BODY OF TOWN OF TAPPAHANNOCK

The Governing Body of the Town of Tappahannock, consisting of 7 members, in a duly called meeting held on the 15th day of October 2024, at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development (the Government) in the purchase of a vacuum pump truck, the Governing Body does hereby adopt and abide by all covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the Town Manager, Eric Pollitt, of the Town of Tappahannock be authorized to execute on behalf of GOVERNING BODY the above- referenced agreements, documents, and forms and to execute such other documents including, but not limited to, debt instruments, security instruments, and/or grant agreements as may be required in obtaining the said financial assistance.

This Resolution is hereby entered into the permanent minutes of the meetings of this Board.

Town of Tappahannock

By: _____
Roy M. Gladding, Mayor

Attest: _____
Patsy K. Scates, Clerk

CERTIFICATION

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Town of Tappahannock in a duly assembled meeting on the 15th day of October 2024.

Patsy K. Scates, Clerk

Revised 09/23/2024

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE _____ Town Council

OF THE Town of TappahannockAUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS2025 DCI Pump Truck

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the _____ Town of Tappahannock

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
one hundred ninety one thousand, nine hundred forty five and 66/100 (\$191,945.66)

pursuant to the provisions of _____ The code of Virginia _____; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$

under the terms offered by the Government; that the Town Council

and Town Manager of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas _____ Nays _____ Absent _____.

IN WITNESS WHEREOF, the Town Council _____ of the

Town of Tappahannock

Town of Tappahannock _____ has duly adopted this resolution and caused it

to be executed by the officers below in duplicate on this 15 day of October, 2024.

(SEAL)

By Eric Pollitt

Attest:

Title Town Manager

Clerk of Town of Tappahannock

Title



Town Manager

Eric S. Pollitt

Town Treasurer

Tina F. Brock

Town Clerk

Patsy K. Scates

Chief of Police

Thomas D. Carter

Town Attorney

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MEMORANDUM

To: Town Council

From: James Knighton – Assistant Town Manager

Date: October 15th, 2024

Subject: Zoning Ordinance Updates

CC: File

Introduction

Zoning plays a crucial role in shaping our community's growth and development. It establishes guidelines for land use, helping to ensure that our town remains a safe, organized, and attractive place for residents and businesses alike. However, certain sections of our zoning ordinance require updates to provide clearer regulations that will attract desirable types of development.

Purpose of Zoning

1. **Organized Land Use:** Zoning separates incompatible land uses, such as residential and industrial, minimizing conflicts and ensuring that areas serve their intended purposes.
2. **Community Welfare:** By regulating land use, zoning promotes public health and safety, facilitating better infrastructure planning and environmental protection.
3. **Economic Vitality:** Thoughtfully crafted zoning regulations can stimulate economic development by designating areas for commercial and mixed-use projects that meet community needs.
4. **Quality of Life:** Zoning preserves the character and aesthetic of our neighborhoods, enhancing the overall appeal of our town for residents and visitors.

Need for Updates

While our zoning ordinance provides a foundational framework, certain sections need to be revised or added to clarify regulations and foster specific types of development consistent with various plans and studies (i.e. The Comprehensive Plan and the Downtown Revitalization Plan):

1. **Inconsistent Regulations:** Some terms within the ordinance are contradictory or outdated, leading to confusion among developers and residents. Clear regulations will facilitate better compliance and interpretation.
2. **Mixed-Use Development:** As demand for walkable, mixed-use communities increases, our zoning needs to provide clear guidelines that support this type of development, balancing residential, commercial, and recreational spaces.
3. **Economic Development:** Establishing specific regulations that encourage certain industries—such as technology or healthcare—can help attract businesses that align with our community's vision and economic goals.
4. **Review Criteria:** Establish specific guidelines that encourage fair regulation by Town staff and Boards.

Conclusion

Updating certain sections of our zoning ordinance is essential for creating clear regulations that will attract desirable development and enhance our community's overall quality of life. We are proposing to initiate a comprehensive review process, engaging stakeholders and community members to gather input and ensure that our updated regulations reflect the needs and aspirations of our town.

Thank you for considering this important initiative. We look forward to discussing our next steps.

	Tappahannock Zoning Ordinance Update	Cost
	Task:	
	Create map file of zoning in Town	\$170
	Meetings, updates, communication	\$4,670
	Review of Enforcement Procedures	
	CC-1 district - review and changes	\$4,500
	Industrial Park - review and changes	\$4,500
	Corridor Overlay - create recommendation	\$4,200
	Historic District - review and changes	\$4,800
	Historic District Guidelines	\$4,320
	Sign Ordinance - review and changes	\$5,280
	Parking - simplify	\$3,360
	Administrative Variances	\$600
	Waterfront Lots (Accessory structures)	\$600
	Three presentations at PC Public hearings	\$4,500
	Three presentations at TC Public hearings	\$4,500
Total:		\$46,000



MEMORANDUM

Community Development Division

To: James Knighton, Assistant Town Manager
From: Kate Jones, PLA, ASLA, Deputy Director of Community Development (BG)
Darla Orr, Principal Planner (BG)
Anna Cherry, Planner II (BG)
Date: ~~August 28, 2024~~ September 10, 2024
Subject: Town of Tappahannock Draft Mural Ordinance Review and Recommendations

Introduction and Background

The Town of Tappahannock's Planning Commission and staff have been working diligently to research examples of public art murals in other localities, to understand community benefits that may be realized by allowing public art murals, and to gather examples of ordinances from other area localities that permit these murals. Work sessions to discuss the Town's desires for murals and their locations, and other general regulations have resulted in a draft mural ordinance. Earlier this year, Town staff tasked the Berkley Group with review of the draft ordinance and to offer modifications and suggestions for best practices to finalize a draft ordinance for murals. The Berkley Group completed their review of the Town's draft mural ordinance and has produced a revised ordinance for review by the Planning Commission.

BG staff understands that the Town's Code of Ordinances does not currently address murals even though there are a number of murals and painted wall signs within the Town. Staff advised that the sign regulations of the Town's Zoning Ordinance have been interpreted to permit a painted commercial wall sign which has recently been proposed for a wine shop, provided the sign meets the minimum standards for signage for that district. This interpretation is reasonable since the sign regulations do not specify a specific type of sign material and there are other painted commercial wall signs within the Town.

Best Practices for Regulating Murals and Signs

There are questions about the difference between public art as a mural and when such art becomes a sign. Given the Supreme Court ruling in *Reed v. Town of Gilbert* (2015), wherein the Court unanimously invalidated an ordinance that treated signs differently based on content, the Berkley Group is recommending that the definition of Mural explicitly make the distinction between that of a sign, and that the new "Mural Art" section be included in the Zoning Ordinance, as a new use.

Just as the Town staff and Planning Commission, the Berkely Group understands that best practices may be found by looking at other localities in Virginia that have vibrant downtown areas with permissions for murals that are flexible, but clearly control murals for the betterment of their place making.

Interestingly for murals, ordinance regulations range from quite simple to more complex. Some examples of some more simple regulations include:

Fort Royal, VA

The ordinance for Front Royal is very simple. It states an artistic mural is “A work of art (as a painting) applied to and made integral with a building wall that is prepared by a skilled artist and shows imaginative skill in arrangement or execution.” The regulation for an artistic mural is that artistic murals may not exceed 25 square feet.

Mount Jackson, VA

In Mount Jackson, VA, painted wall signs, in their zoning ordinance, include murals in their definition. Their regulations limit a painted wall sign on the side or rear wall of a building, and limit its size based on the commercial zoning district to be no greater than 10% or 15% of the wall area where the sign or mural is located.

We discussed with Town staff the need for regulations to include language to prevent obscene or profane displays. Mount Jackson’s ordinance includes language that prohibits signs that represent or depict specified sexual activities or specified anatomical areas or sexually oriented goods and any sign that contains obscene text or pictures as defined by the Virginia Code. Their ordinance also prohibits advertising activities or products that are illegal under federal, state, town, or county law.

Montross, VA

The Town’s draft ordinance most closely defines the types of murals as are found in Montross, VA’s ordinance. Their ordinance regulates murals based on two types. One type contains artwork, and one type may contain representations of the business, with Council approval. Their regulations are included in the Zoning Ordinance which is somewhat concerning, as well as the determination of the two types based on content.

Alexandria, VA

BG staff offered the Town of Alexandria, VA’s ordinance as an example of an ordinance that includes a list of characteristics that could be standards to determine whether a painted display is a mural. These standards are more enforceable standards. They include requirements that murals contain no text legible from a public roadway; no logo or trademarked symbol; no specific commercial product although generic products such as automobiles, soft drinks, furniture may be depicted where the brand is not apparent; and includes no picture or symbol or device of any kind that relates to the commercial business, product or service offered on premises where the wall is located.

Recommended Ordinance Elements

Given the above, staff recommends amending the zoning ordinance to create *ARTICLE XXI, Section 22-242.148., Supplementary Use Regulations, Mural Art*, and updating *Section 22-125., Permissible Use Table* to include the new use “Mural”.

The current ordinance draft (Attachment A) is a much simplified version of the previous mural draft. While the language in the previous draft is important for the overall discussion of murals within the town, it is staff’s opinion that most of this language is better placed in a policy document such as a comprehensive plans or arts and culture plan, and not in the ordinance. The following key considerations are included in the ordinance for your consideration:

#1 – Define Mural:

An original, one-of-a-kind unique design or representation painted, drawn, or projected with lights on a wall. which does not contain promotional or commercial advertising. This is a simple, clear distinction from a sign, which may fall under more scrutiny for content regulation under the previously mentioned supreme court case.

#2 – Mural Approval and Permitting Processes

The zoning administrator may approve a permit for murals in zoning districts where the use is allowed by right. If the proposed mural is located in the Historical Overlay District, the applicant must apply via the Historical Overlay Zoning Permit process and follow all requirements of Section 22-239. Historic Overlay Zoning Permits and Section 22-240., Criteria for Review of Application and Permits for Alterations for Designated Historic Overlay Zone. In zones R-3, Town Residential, and R-4, Multi-Family Residential murals may be allowed via a Special Exception permit, granted by the Board of Zoning Appeals.

#3 Prohibit Explicit Representations and Wording

The draft ordinance states that murals shall not contain language or images that are obscene, profane, or defamatory, nor shall they include content that promotes hatred, discrimination, or violence against any individual or group based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic. Any mural found to contain such content shall be subject to immediate removal at the owner's expense.

#3 Define What Areas of a Building Murals are Allowed

No part of a Mural shall exceed the height of the structure to which it is painted on or affixed to, extend more than six (6) inches from the plane of the wall upon which it is painted or affixed to, and murals shall be located on the side or rear walls of the building, and not on its primary wall, or on any of its decorative elements.

#3 Define What Zoning District Murals are Allowed

Murals shall be allowed by right in districts CC-1, CG-2, I-1. Any murals proposed in the HOZ shall follow the permitting requirements for a Historic Overlay Zoning Permit. The permitted use table is recommended to be updated to reflect this new use.(See attachment B)

#4 Murals May Not Contain Flashing or Strobing Lights

The use of strobing, flashing and other lights in murals is prohibited. The use of light is very limited to static illumination only which must be turned of and off in a 24 hour period.

#5 Provide Direction on Maintenance and Enforcement

The proposed ordinance states that all murals must be maintained in proper order, and it is the responsibility of the property owner to do so. Violations will be subject to enforcement action by the Town. It also states that minimal changes to the mural can be made without obtaining another permit.

Conclusion

The Planning Commission and Town staff recognize the community enhancements that may be realized through permitting murals within certain areas. A simple, enforceable mural ordinance is important as the Town desires to add public art to its commercial, industrial, mixed-use, historic downtown areas.

Attachments:

Article X, Permissible Uses, Section 22-125., Permissible Use Tables (Attachment 1)

Article XI, Section 22-148., Supplementary Use Regulations, Mural Art (Attachment 2)

It is important for regulations to be clear and avoid conflicts with the Supreme Court ruling on signs, which staff believes the proposed ordinance does.

Mural Ordinance

~~12_8_2023_CMD-dlc~~

ARTICLE XXI ~~Mural Art Design Guidelines~~

Supplementary Use Regulations

Section 22-242~~148~~. Mural Art

A Mural shall be permitted By Right in districts CC-1, CG-2, I-1, with a Special Exception in R-3 and R-4, and via a Historic Overlay Zoning Permit in the Historic Overlay District (HOZ) provided:

~~The effective date of this article as originally adopted, or the effective date of an amendment to it, if the amendment makes the mural nonconforming.~~

Section 22-243. Purpose

- ~~1) Mural art is considered one of the oldest methods of artistic expression. Murals bring art from the private to the public sphere, add visual and aesthetic value to neighborhoods, and provide a medium to display the history and culture of a community. When appropriately executed, murals can enhance the character of a town. Murals can create a sense of place, strengthen a community's identity, support art and tourism initiatives and reinforce a district's historic character. Murals often depict art reflecting the culture, history and identity of the community.~~
- ~~2) Public art is any art that is visible to the public regardless of whether it is on public or private property.~~
- ~~3) The Town supports the use of mural art throughout the community, zoned for commercial, industrial, and mixed-use, government buildings (i.e., water tower, office buildings), and in the Historic Overlay Zone. (residential, water tower, etc.?)~~
- ~~4) The purpose of regulating mural art is to guide and support the visual aesthetics of the Town while allowing for compatible artistic designs and creative expression in appropriate locations. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, subject matter, massing, scale, and materials of mural art with minimal intrusion into the artistic expression of the work to strike an appropriate balance between historic character, community identity, and artistic expression.~~
- ~~5) All applications located in the designated Historical Overlay Zone are required to be reviewed by the Town Planning Commission who will then make a recommendation to approve, approve with modifications, or deny the application.~~

Section 22-244. Definitions — Mural Art vs Signage

- ~~1) Murals are an artistic form of expression. In addition to the art itself, murals may have historic or cultural connections or depictions. Murals are not meant to serve as an advertisement, which is one primary way a mural is distinguished from a sign. Content distinguishes art-based projects from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Art-based projects generally do not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or calling.~~

2) ~~For purposes of this Ordinance murals may be defined as:~~

~~a. **TYPE ONE** Murals shall meet the following definition - An original, one-of-a-kind unique design or representation painted, drawn or projected with lights on a wall. which does not contain promotional or commercial advertising.~~

~~b. The applicant shall obtain a Zoning Permit issued by the Town Zoning Administrator, or obtain a special exception as allowed by the Board of Zoning Appeals. When located within the Historic Overlay District, a Historic Overlay Zoning Permit, which will follow all requirements of Section 22-239. Historic Overlay Zoning Permits and Section 22-240., Criteria for Review of Application and Permits for Alterations for Designated Historic Overlay Zone.~~

~~c. In addition to obtaining a Permit, all murals must minimally meet the following requirements:~~

~~1. All mural applications shall contain an authorization by the Owner of the wall or structure the mural will be painted on or affixed to and a draft of the proposed Mural including color and specification of materials (e.g., paint, tile, etc.).~~

~~2. Murals shall be applied using weather resistant paint or materials.~~

~~3. Murals shall not be designed as to constitute or create a traffic hazard as determined by the Town Manger or designee in consultation with the Chief of Police.~~

~~4. No part of a Mural shall exceed the height of the structure to which it is painted on or affixed to.~~

~~5. No part of a Mural shall extend more than six (6) inches from the plane of the wall upon which it is painted or affixed to.~~

~~6. Murals shall be located on the side, corner side, or rear walls of the building, and not on its front wall, or on any of its decorative elements.~~

~~7. No Mural may consist of, or contain, electrical or mechanical components, or changing images (moving structural elements, flashing or sequential lights, lighting elements, or other automated methods that result in movement, the appearance of movement, or change of mural image or message, not including static illumination turned off and back on not more than once every twenty-four (24) hours).~~

~~8. No Mural shall obstruct the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.~~

~~9. Murals shall be maintained at all times. Repairs to a Mural shall not require a new zoning application if the image or content of the Mural does not or only minimally change. Failure to maintain a mural in good repair may result in notification by the Zoning Administrator and, if necessary, appropriate enforcement action by the Town.~~

~~10. Murals shall not contain language or images that are obscene, profane, or defamatory, nor shall they include content that promotes hatred, discrimination, or violence against any individual or group based on race, ethnicity, religion, gender, sexual orientation, disability, or any other protected characteristic. Any mural found to contain such content shall be subject to immediate removal at the owner's expense.~~

11. Murals advertising businesses, goods or services shall be considered a Sign and require a Sign Permit pursuant to Section 22-179. Permitting Requirements for Signs.

~~“TYPE TWO MURAL” – An original, one of a kind unique design or representation which contains limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site. *** Should a business with a Type Two Mural become shuttered for any longer than 90 days, the mural or artwork will be removed.~~

~~“TYPE THREE MURAL” – The structure has appendages of some nature to support holding artwork in place, i.e., rods attached to the building where the artwork is attached to the rods rather than being painted on the structure. This type of attachment is less invasive to the historical buildings. This also allows the artwork to be refreshed more often with less impact to the building.~~

- ~~3) Arts-based projects that specifically include detailed information related to a business, product, or service will be considered a sign and will therefore be required to meet current signage regulations in the Town’s zoning ordinance, Article XVI, requiring a sign permit. will be required.~~
- ~~4) When an official interpretation is deemed necessary, The Zoning Administrator will determine if a proposal is a mural or a sign. Any mural interpreted to be a sign by the Zoning Administrator can be appealed to the Town Manager and/or the Town Attorney for a final ruling.~~
- ~~5) Existing murals, at the time of adoption of this ordinance, are will be grandfathered. However, any change to the mural(s) will be required to apply for a permit and but are will be required to perform the same maintenance requirements as set within this ordinance.~~
- ~~6) Graffiti is defined as – writing or drawings that have been scribbled, scratched, or painted illicitly, unauthorized by the property owner and/or Town on a wall or other surface and as such do not constitute a mural. and may not be permitted as such.~~

~~Section 22-245~~ 4. Permit Requirements

- ~~1) a. Zoning permits will be required for murals both publicly and privately owned commercial and industrial buildings. Murals on unpainted non-contributing buildings will be considered on a case-by-case basis through the zoning permit application process.~~
- ~~2) Murals are not permitted on unpainted contributing or landmark structures. (clarify definition of contributing landmark structures) – See the definition at the end of this document defining “contributing landmark structures~~
- ~~3) Art-based projects on public property that are temporary installations are handled by the Zoning Administrator together with the organization handling the project (i.e., school artwork, projects, fundraising artwork projects).~~
- ~~4) Murals must be painted on the side or rear walls of the building, and not on its primary wall, above its roof line, or on any of its decorative elements.~~
- ~~5) Murals may not be placed on the primary wall of the structure. In instances where the structure has two primary walls (at the intersection of two public streets), murals would not be placed on either wall.~~
- ~~6) The scale of the mural should be appropriate to the building and the site location.~~
 - ~~a) The Planning Commission is to review for approval any mural permits requested in the historical overlay zone.~~

- 7) ~~The completed zoning permit shall be submitted by the owner of the building and consist of:~~
- ~~a) A complete rendering of the artwork depicting the location and the theme of the mural to be installed which identifies the mural as a Type One or Type Two mural.~~
 - ~~b) The measurements of the mural and the specific location being requested; include pictures of existing building and identify the placement of the mural.~~
 - ~~c) A list all materials to be used to create the mural:~~
 - ~~(i) A list of the color palettes to be used. The color palettes should complement the colors, architecture and environment surrounding the mural.~~
 - ~~(ii) Artists should use paints and materials that will not chemically corrode nor compromise the integrity of the building's exterior and structure.~~
 - ~~(iii) Reflective, neon and fluorescent paints shall not be used.~~
 - ~~(iv) Identify topcoat product to be utilized to protect all murals (i.e., clear layer of anti-graffiti coating or sealant.~~
 - ~~d) The viewsheds, impacted by the completed mural, should be identified.~~
 - ~~e) Sponsor and artist names may be incorporated but should be discreet.~~
 - ~~f) All costs associated with installing the mural, artist fees, and the selection of the artist are managed by the building owner.~~
 - ~~g) Prior to any changes made to an existing mural, the property owner will submit a permit for a revision of the approved mural.~~
 - ~~h) Requesting designs other than hand-painted mural art is reviewed on a case-by-case basis. Mechanically produced or computer-generated prints or images, including, but not limited to digitally printed vinyl designs will be assessed on an individual basis with a focus on this application appropriateness for larger projects such as a grainery, water tower, or structures of a similar size and scale. Requesting designs other than hand-painted mural art will require review and approval of the Planning Commission.~~

Section 22-246. Criteria for Review of Permit Applications/Approval Process

- ~~1) The completed mural permit application is to be submitted to the Town Office.~~
- ~~2) The application is reviewed by the Zoning Administrator to determine compliance with submission requirements as identified above.~~
 - ~~a) If the requirements are not met, the application is rejected and returned to the Applicant.~~
 - ~~b) The Zoning Administrator reviews the application to determine if the application is located in the Historical Overlay Zone. All applications located in the Historic overlay Zone are forwarded to the Town Planning Commission to approve, approve with modifications or deny.~~
 - ~~c) If the application is not located within the Historic Overlay Zone, the Zoning Administrator will determine if the application is a "Type One" or a "Type Two" mural.~~
 - ~~d) "Type One" murals may be reviewed by the Zoning Administrator and a zoning permit may be issued or denied without a public hearing before the Planning Commission.~~
 - ~~e) If the application is deemed a "Type Two" mural, the application is forwarded to the Planning Commission for their review to approve or deny. A Type Two mural application requires further review to ensure that the mural provides limited references to the establishment, product, or service provided on the site which is painted or drawn on a wall on that site.~~

- ~~(i) Type Two murals may be allowed if the graphics, words, and/or symbols referencing the establishment, product or services are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural design.~~
 - ~~(ii) References to an establishment, product, or services are not to be in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.~~
 - ~~(iii) Where numbers of signs or maximum square footage apply to a particular location, a mural shall not count as a sign nor figure into the allowable sign area.~~
- ~~3) In all cases, the review is to determine if the application meets all the mural permit requirements. The review is not to approve or decline the content of the artwork (except for suitability of the artwork).~~
- ~~4) Prior to any changes made to an existing mural, the property owner must submit a permit for the revision and will be required to be reviewed and processed as was the original permit.~~

Section 22-247. Maintenance Requirement

~~To ensure murals remain kept and aesthetically pleasing, the property owner is responsible for maintaining the mural in good condition.~~

- ~~1) Murals shall be maintained in good condition. The property owner is responsible for proper maintenance of the mural, including the repair of material failure such as peeling paint or damage due to age, weather, vandalism, or the like.~~
- ~~2) The property owner is to notify the Town of Tappahannock within 30 days of any damage to the mural. The property owner is to remedy the mural within 90 days of informing the Town of the damage.~~
- ~~3) In maintaining the mural, the approved concept cannot be changed without the submission of a new permit application which will be treated as a new permit application.~~

Section 22-248. Penalties and Fines

- ~~1) The property owner will sign a written agreement for maintenance. Murals may be reviewed at any time to determine if they need maintenance, and the Town will contact the building owner when necessary.~~
- ~~2) Failure to maintain a mural in good repair may result in notification by Zoning Administrator and, if necessary, appropriate enforcement action by the Town, including recovery of related expenses for enforcement and/or promptly removing vandalism in accordance with the Property Maintenance Code as adopted and enforced by the Essex County Building Official.~~

Sec. 22-125. Permissible Uses Tables.

- a. *More specific use controls.* Whenever a development could fall within a more than one use classification in the Table of Permissible Uses, the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130, "office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.
- b. *Table of Permissible Uses (see following).*

Alphabetical List of Uses from Section 22-125 Table of Permissible Uses

<u>Use Number</u>	<u>Uses Description</u>	<u>Article XI Reference</u>
4.05.200	Airport/Air Park, Private Use	
7.01.500	Alcoholic Beverage Manufacturing	
5.02.300	Animal Boarding Places-Kennels, Veterinarians and Veterinary Hospitals	Section 22-126
4.06.300	Antennas and Towers more than 50 feet tall	Section 22-132
4.06.400	Antennas and Towers 50 feet tall or less	
6.01.113	Antique Shops, Art Galleries	
7.01.900	Asphalt Plants/Concrete Plants, Sand and Gravel Washing, Screening, Crushing	
7.02.100	Automobile Parking Garages	
7.01.100	Baker, Printing Publishing, Dry Cleaning Plants, Electronic Assembly	
5.01.114	Banks and Financial Institutions	
7.01.200	Blacksmith Shops, Welding Shops, Ornamental Iron Works, Machine Shops and Sheet Metal Shop	
3.04.100	Boardinghouses, Bed and Breakfast, Country Inns	Section 22-128
7.01.300	Bottling, Confectionery, Food Products	
7.01.800	Brick or Block Manufacturing	
5.01.115	Business Services	
4.09.100	Bus Station	
4.08.000	Cemetery and Crematorium (Municipal)	
3.03.210	Child or Elderly Day Care Home (having fewer than 7 care recipients)	
3.03.220	Child or Elderly Day Care Center Section 22-129 (between 7 and 30 care recipients)	
4.01.200	Churches, Synagogues, and Temples	
4.02.130	Coliseums, Stadiums	
4.01.130	Colleges, Universities, Community Colleges (Private)	
3.02.300	Commercial Apartment	
1.02.000	Commercial Greenhouse Operation	
5.01.100	Construction Services and Supplies	
7.02.300	Contractor's Yard	
6.01.110	Convenience Stores	
3.03.200	Day Care	
5.01.113	Dry Cleaning/Laundry and Laundromats	
7.01.700	Duplex	Section 22-143.1

3.04.101	Emergency Homeless Shelter (Town Council Adopted on 4-8-2019)	Section 22-138.1
7.01.700	Fertilizer Mixing Plants	
4.04.000	Fire Stations, Rescue Squad, and/or Ambulance Service	
6.01.300	Flea or Open Markets	Section 22-130
5.02.200	Funeral Homes, Cemetery	
5.01.111	General Offices	
4.02.230	Golf Driving Ranges, Par 3 Golf Course, Miniature Golf Courses, Skateboard Parks, Water Slides, Batting Cages	Section 22-132
3.03.100	Group Homes for not more than 8 persons	
4.05.300	Helicopter Facilities	
5.01.117	Home Occupation	Section 22-134
4.03.100	Hospitals and Inpatient Medical Facilities	
3.04.200	Hotels and Motels	Section 22-135
4.01.300	Libraries, Museums, Art Centers (Private)	
2.01.0	Marina	
7.02.230	Mini-warehouse	Section 22-137
6.03.100	Motor vehicle Sales or Rental; Mobile Home Sales, Farm Equipment Sales	
6.03.200	Motor Vehicle Repair and Maintenance, Fuel Sales, Car Wash, Vehicle Painting, Auto-body Work, Parts Sales and Installation	
4.02.121	Movie Theatres, Theatres, seating capacity of not more than 300	
4.02.122	Movie Theatres, Theatres, seating capacity Up to 1,000	
<u>4.02.240</u>	<u>Murals</u>	<u>Section 22-148</u>
4.06.100	Neighborhood Essential Service	
3.03.400	Nursing/Elderly Care Homes	
3.03.410	Nursing/Elderly Care Homes, 1-8 people	Section 22-138
3.03.420	Nursing/Elderly Care Homes, 9 people and above	Section 22-138
1.01.0	Open-air markets, Farm and Craft Markets, Agricultural and Horticultural, Home and Garden Shop	
4.09.200	Park and Ride Facilities	
5.01.112	Personal Services	
6.01.112	Pet Shops	Section 22-139
4.05.110	Post Office, Local	
4.05.120	Post Office, Regional	
5.01.118	Printing and Publishing	
5.01.116	Professional Office	
4.06.200	Public Utility Buildings and Structures	Section 22-141
4.02.100	Recreation, Amusement, Entertainment, activity conducted entirely within building or substantial structure	
4.02.210	Recreation Facilities, privately owned and not	
4.02.211	constructed pursuant to a permit authorizing the	
4.02.212	construction of some residential development	
4.02.220	Recreation Facilities, privately owned approved as part of a residential development	Section 22-131
4.02.110	Recreation, Indoor	
7.03.000	Research Facilities, Laboratories	

3.01.200	Residence—Class A Mobile Home	Section 22-136
3.01.300	Residence—Class B Mobile Home	Section 22-136
3.01.400	Residence—Duplex	Section 22-143.1
3.02.000	Residence-Multi-Family	Section 22-144
3.03.400	Residence-Multi-Family Conversion	Section 22-143
3.01.500	Residence-Primary, with Accessory Apartment	Section 22-140
3.01.100	Residence-Single Family, Detached	
3.02.200	Residence-Townhouse	Section 22-145
6.02.000	Restaurants	
6.01.114	Retail establishments in Office Buildings	Section 22-142
6.01.111	Retail Stores and Shops	
3.03.500	Retirement Housing Complex	
4.07.000	Satellite Dish	
7.01.400	Saw Mills	
4.01.110	School, Private (Elementary and Secondary)	
2.04.200	Seafood Processing, products raised on the premises	
2.04.100	Seafood Processing, products raised or harvested off-site	
4.02.120.1	Sexually Oriented Business (Town Council Adopted on 9-14-2009)	Town Code 15-1
7.01.210	Shop for Furniture Construction, finishing, refinishing, and assembly	Section 22-147
3.04.300	Short-Term Rentals (Town Council Adopted on 1-11-2021; Town Council Amended on 5-10-2021)	Section 22-128.1
4.01.400	Social, Fraternal Clubs and Lodges, Union Halls, Meeting Halls	
7.02.000	Storage and Parking	
7.02.240	Storage of Petroleum Products	
7.02.210	Storage within completely enclosed structure	
5.01.110	Tattoo Parlors or Schools-Body piercing	Section 22-147.1
4.01.120	Trade or Vocational Schools	
7.02.220	Warehouse	
7.01.600	Winery	
6.01.200	Wholesale Sales	

Table Legend: P=Permitted PC=Permitted with Conditions SE=Special Exception SC=Special Exception with Conditions										
USES DESCRIPTION (Reference to Supplemental Use Regulations)	R-1	R-2	R-3	R-4	MH-1	CC-1	CG-2	I-1	RMX	BP
1.00.000 AGRICULTURAL USES										
1.01.0 Open-air markets, Farm and Craft Markets, Agricultural Horticultural sales with outdoor display. Home and Garden Shop						P	P	P		
1.02.000 Commercial greenhouse operation								P		P
2.00.000 MARINE USES										
2.01.000 Marina, including boat sales and repair and boat rental including sailboards and jet skis						P	P	P	SE	P
2.04.000 Seafood Processing										
2.04.100 Seafood processing and seafood operations with products raised or harvested off-site						SE	SE	P		
2.04.200 Seafood processing and seafood operations with products raised on the premises								P		
3.00.000 RESIDENTIAL USES										
3.01.000 Single-Family Residence										
3.01.100 Single Family, Detached	P	P	P	P					P	

3.01.200 Class A Mobile Home (See Section 22-136)					PC					
3.01.300 Class B Mobile Home (See Section 22-136)					PC					
3.01.400 Duplex ²		P	P	P					P	
3.01.500 Primary Residence with Accessory Apartment (See Section 22-140)		PC	PC	PC					PC	
3.02.000 Multi-Family Residence										
3.02.100 Multi-Family (See Section 22-144) ²			²	PC					PC	
3.02.200 Townhouse (See Section 22-145) ²			²	P					SC	
3.02.300 Commercial Apartment						SE	SE		P	SE
3.02.400 Multi-Family Conversion (See Section 22-143)			PC	PC						
3.03.000 Homes Emphasizing Special Services, Treatment, or Supervision and Residential Elderly Care Home										
3.03.100 Group Homes for not more than 8 persons (See Section 22-133)				SC					SC	
3.03.200 Day Care										
3.03.210 Child or Elderly Day Care Home (having fewer than 7 care recipients)		P	P	P	P	P	P		P	P
3.03.220 Child or Elderly Day Care Center (between 7 and 30) (See Section 22-129)				SC					SC	P
3.03.230 Child/Elderly Day Care Center			SC			P	P			

3.03.400 Nursing/Elderly Care Homes										
3.03.410 Nursing/Elderly Care Homes, 1-8 people (See Section 22-138)	PC	PC	PC	PC	PC				PC	
3.03.420 Nursing/Elderly Care Homes, 9 people and above (See Section 22-138)				SC					SC	
3.03.500 Retirement Housing Complex				SE					P	
3.04.100 Boardinghouses, Bed and Breakfast, Country Inns (See Section 22-128)			SC	SC		SC	SC		SC	
3.04.101 Emergency Homeless Shelter (See Sec. 138.1) ³							SC ³	SC ³		
3.04.200 Hotels and Motels (See Section 22-135)						PC	PC		PC	PC
3.04.300 Short Term Rentals (See Sec. 22-128.1) ⁴		SC ⁴	SC ⁴	SC ⁴		SC ⁶				
4.00.000 INSTITUTIONAL/UTILITIES/RECREATION USES										
4.01.000 Educational, cultural, religious, philanthropic, social, fraternal uses										
4.01.100 Schools										
4.01.110 Private elementary and secondary (including pre-school, kindergarten, associated grounds, and athletic, and other facilities)		SE	SE	SE		P	P		P	P
4.01.120 Trade or vocational schools						P	P	P	SE	P
4.01.130 Private colleges, universities, community						SE	SE		P	P

colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)										
4.01.200 Churches, synagogues, and temples and associated buildings, not including elementary or secondary school buildings	P	P	P	P	P	P	P	P	P	P
4.01.300 Private libraries, museums, art centers, and similar uses (including associated educational and instructional activities)						P	P	P	P	P
4.01.400 Social, fraternal clubs and lodges, union halls; meeting halls and similar uses			SE	SE		P	P	P	P	P
4.02.000 Recreation, Amusement, Entertainment										
4.02.100 Activity conducted entirely within building or substantial structure										
4.02.110 Indoor recreation. For example, bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, rifle and pistol ranges, indoor athletic and exercise facilities and similar uses, not part of a residential project						P	P	P	P	P
4.02.120 Movie theatres, theatres										

4.02.120.1 Sexually Oriented Businesses (Town Code § 15.1)							PC			
4.02.121 Seating capacity of not more than 300						P	P	P	P	P
4.02.122 Seating capacity up to 1,000							P			P
4.02.130 Coliseums, stadiums							SE			SE
4.02.200 Activity conducted primarily outside enclosed buildings or structures										
4.02.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, not constructed pursuant to permit authorizing the construction of some residential development						P	P	P	P	P
4.02.220 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, approved as part of a residential development (See Section 22-131)				PC					PC	
4.02.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water						PC	PC	PC		PC

slides, batting cages, and similar uses (See Section 22-132)										
4.02.240 Mural Art (See Section 22-148)			SE	SE		P	P	P		
4.03.000 Institutional residence or care or confinement facilities										
4.03.100 Hospitals and other inpatient medical (including mental health treatment facilities)						P	P	P	P	P
4.04.000 Fire stations, rescue squad, and/or ambulance service	SE	SE	SE	SE	SE	P	P	P	P	P
4.05.000 Miscellaneous public and semi-public facilities										
4.05.100 Post Office										
4.05.110 Local	SE	SE	SE	SE		P	P	P	P	P
4.05.120 Regional						P	P	P	P	P
4.05.200 Airport/Air Park, private use								P		
4.05.300 Helicopter facilities-heliports and helistops						SE	SE	PC		SE
4.06.000 Public Utilities (including towers and related structures)										
4.06.100 Neighborhood Essential Service	P	P	P	P	P	P	P	P	P	P
4.06.200 Public utility buildings and structures (See Section 22-141)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC
4.06.300 Antennas and Towers more than 50 feet tall (See Sec. 22-127)	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC

4.06.400 Antennas and towers 50 feet tall or less	P	P	P	P	P	P	P	P	P	P
4.07.000 Satellite Dish	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC
4.08.000 Cemetery and Crematorium (Municipal)	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE
4.09.000 Transportation										
4.09.100 Bus Station						P	P	P	P	P
4.09.200 Park and ride facilities						P	P	P	P	P
5.00.000 SERVICE ORIENTED COMMERCIAL USES										
5.01.000 All operations conducted entirely within fully enclosed building										
5.01.100 Operations designed to attract and serve customers or clients on the premises										
5.01.110 Tattoo Parlors and Schools - Body Piercing (Sec 22-147.1) ¹							SC			
5.01.111 General offices (examples are attorneys, architects, engineers, insurance and stock brokers, travel agents, government office buildings, real estate, etc.)						P	P	P	P	P
5.01.112 Personal Services						P	P		P	P
5.01.113 Dry cleaning/laundry and Laundromats						P	P	P	P	P
5.01.114 Banks and financial institutions						P	P		P	P
5.01.115 Business services						P	P	P	P	P
5.01.116 Professional office		SE	SE	SE						

5.01.117 Home Occupation (See Section 22-134)	SC	SC	SC	SC	SC				SC	
5.01.118 Printing and Publishing						P	P	P		P
5.02.000 Operations conducted within and/or outside fully enclosed building										
5.02.100 Construction services and supplies							P	P		P
5.02.200 Funeral homes, cemetery						P	P			P
5.02.300 Animal Boarding Places-Kennels, Veterinarians and Veterinary hospitals (See Section 22-126)						SC	SC			SC
6.00.000 COMMERCIAL USES										
6.01.000 Commercial sales and rental of goods, merchandise, and equipment										
6.01.100 Retail sales										
6.01.110 Convenience stores						P	P		P	
6.01.111 Retail Stores and Shops						P	P		P	
6.01.112 Pet shops (See Section 22-139)						PC	PC		PC	
6.01.113 Antique Shops, Art Galleries						P	P		P	
6.01.114 Retail establishments in Office Buildings (See Sec. 22-141)						PC	PC		PC	
6.01.200 Wholesale sales						P	P	P	P	P
6.01.300 Flea or Open Markets (See Section 22-130)						SC	SC	SC	SC	

6.02.000 Restaurant, standard, fast food, bars, nightclubs, dinner theaters						P	P	SC	P	P
6.03.000 Motor vehicle-related and service operations										
6.03.100 Motor vehicle sales or rental; mobile home sales, farm equipment							P	P		P
6.03.200 Motor vehicle repair and maintenance, fuel sales, car wash, vehicle painting, auto-body work, parts, sales, and installation						P	P	P		P
7.00.000 INDUSTRIAL USES										
7.01.000 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise, and equipment										
7.01.100 Bakery, printing publishing, dry cleaning plants, electronic assembly								P		
7.01.200 Blacksmith shops, welding shops, ornamental iron works, machine shops (excluding drop hammers and punch presses over 20 tons rated capacity), and sheet metal shop							P	P		
7.01.210 Shop for furniture construction, finishing, refinishing, and assembly							SC			
7.01.300 Bottling, confectionary, food products except fish and meat, sauerkraut, vinegar, yeast or the rendering fats and oils								P		

7.01.400 Saw mills								P		
7.01.500 Alcoholic beverage manufacturing ⁵						P	P	P		
7.01.600 Winery								P		
7.01.700 Fertilizer mixing plants								P		
7.01.800 Brick or block manufacturing								P		
7.01.900 Asphalt plants/concrete plants, sand and gravel washing, screening, crushing								P		
7.02.000 Storage and parking										
7.02.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related						P	P	P		P
7.02.200 Storage of goods not related to sale or use of those goods on the same lot where they are stored (warehousing)										
7.02.210 All storage within completely enclosed structures						P	P	P		P
7.02.220 Warehouse storage inside or outside completely enclosed structures								P		
7.02.230 Mini-warehouse (See Section 22-137)							SC	PC		
7.02.240 Storage of petroleum products								SE		

7.02.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot and (ii) parking or storage occupies more than 75 percent of the developed area (contractor's yard)							SE	P		SE
7.03.000 Research facilities, Laboratories						SE	SE	P		P

¹ Town Council Adopted on 1-14-2009

² Town Council Amended on 11-13-2012

³ Town Council Adopted on 4-8-2019

⁴ Town Council Adopted on 1-11-2021

⁵ Town Council Amended on 4-12-2021

⁶ Town Council Amended on 5-10-2021

**PUBLIC HEARING MEETING
SEPTEMBER 9, 2024
7:00 P.M.**

PRESENT

Mayor:	Roy M. Gladding
Vice Mayor:	Anita J. Latane
Council Members:	Kay Carlton
	Fleet Dillard
	Kenneth A. Gillis
	Troy L. Balderson
Town Manager:	Eric S. Pollitt
Assistant Town Manager:	James Knighton
Town Clerk:	Patsy K. Scates
Town Attorney:	M. Tolley Gwinn
Chief of Police:	Thomas Carter

ABSENT

Council Member: Carolyn Barrett

A Public Hearing of the Town Council was held on September 9, 2024, at 7:00 p.m. in the Tappahannock Municipal Building, 915 Church Lane, Tappahannock, VA. The hearing was advertised in the Rappahannock Times in three editions August 7, 2024, August 28, 2024, and September 4, 2024, as required by Section 15.2-2506 of the 1950 Code of Virginia, as amended.

• **COMMERCIAL ENTRANCE & ACCESS ROAD – OLD CAPTAIN THOMAS PROPERTY**

The purpose of the public meeting is to hear public comments for a new proposed commercial entrance off of Route 17 (Tappahannock Blvd.) and access road in the Town of Tappahannock.

This project will construct a commercial entrance off of Route 17 (Tappahannock Blvd.) and recreational access road to Hoskins Creek Park, formerly the Captain Thomas River cruise property. The commercial entrance will be located directly across Route 17 from the existing Exxon gas station. The entrance will be served by a newly constructed taper approximately 75’ in length for north bound traffic and an existing left hand turn lane for south bound traffic. The recreational access road will be approximately 400’ and terminate at a cul-de-sac, approximately 75’ in diameter to provide access to the Hoskins Creek Park dock and kayak launch. Approximately 200’ of sidewalk will be placed around the cul-de-sac. The sidewalk is planned to be approximately 7’ wide. Pavement markings and signage will be a part of this project.

• **CALLED TO ORDER**

Mayor Gladding called the meeting to order.

Mayor Gladding asked for any comments from the Public or the Council members.

There being none, the meeting was adjourned at 7:05 p.m.

<u>Roy M. Gladding, Mayor</u>	<u>Patsy K. Scates, Town Clerk</u>
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**TOWN COUNCIL MEETING
SEPTEMBER 9, 2024
7:05 P.M.**

PRESENT

Mayor:	Roy M. Gladding
Vice Mayor:	Anita J. Latane
Council Member:	Kay Carlton
	Fleet Dillard
	Kenneth A Gillis
	Troy L. Balderson
Town Manager:	Eric Pollitt
Assistant Town Manager:	James Knighton
Town Clerk:	Patsy K. Scates
Town Attorney:	M. Tolley Gwinn
Chief of Police:	Thomas Carter

ABSENT

Council Member:	Carolyn Barrett
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VISITORS:

Brian Houston, Project Manager and Principal Engineer for CHA
Jovita Kelly, Historic Downtown Tappahannock

• **CALLED TO ORDER**

Mayor Gladding called the meeting to order.

• **MINUTES APPROVED**

On motion of Troy L. Balderson, seconded by Anita J. Latane, Council voted unanimously to approve the August 12, 2024, Council Work Session Meeting Minutes and the August 12, 2024, Regular Council Meeting Minutes.

Votes were cast as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

• **COMMITTEE REPORTS**

- *Water and Sewer*

**Wastewater Treatment Plant
Month of August 2024**

-Treatment plant had an average daily flow of 0.410 MGD for a total of 12,696,000 gallons being treated in August.

-All nutrient results at time of writing are within our permitted limits.

-August DMR reports will be submitted to DEQ by 9-10-2024

-Plant switch over happened on August 15. Everything went very smooth. We are now running Side A and will do so for at least two years.

-Lead and copper testing was completed in August. This is done every 3 years. All results are within permitted limits. Consumer notices and lab results were sent to all sample location residents/owners.

-Yearly water testing was completed in August and at time of writing all results are within our permitted limits.

**Public Works
Month of August 2024**

• **WATER**

Marsh Street $\frac{3}{4}$ galvanize service line had pinhole size leak and it was fixed with $\frac{3}{4}$ X 3 repair clamp

Faulconer Circle $\frac{3}{4}$ galvanize service line had two (2) pinhole size leaks and it was fixed with two (2) $\frac{3}{4}$ X 3 repair clamps

Desha Road service quick tap rusted off and it was fixed with new all stainless-steel repair clamp with tap

• **SEWER**

Faulconer Circle sewer lateral and TEE at Main had holes in pipe caused by tree roots. It was cut out and replaced with eight (8) inch SDR and six (6) inch SDR pipe.

Mayor Gladding recognized Council Member Gillis and asked if he had anything to add to the water and sewer report.

Council Member Gillis did not have anything to add.

○ *Public Facilities*

Mayor Gladding recognized Council Member Balderson.

Council Member Balderson reported the Town had the soft opening for the Central Park and the Grand Opening for the Central Park is scheduled for October 5, 2024.

Council Member Carlton reminded Town Manager Pollitt to mail out invitations for the grand opening of Central Park.

○ *Historic Downtown Tappahannock*

Mayor Gladding recognized Jovita Kelly, Historic Downtown Tappahannock. She updated the council members on some upcoming events.

○ *Finance*

Mayor Gladding recognized Town Manager Pollitt.

Town Manager Pollitt reported revenue for meals tax and lodging taxes are looking good. He reported the Town will keep an eye on interest rates moving forward because interest rates are higher right now so the Town is getting more revenue from the account. He reported the Town was in good financial shape.

- **APPROVAL OF THE FINANCIAL REPORT**

On motion of Fleet Dillard, seconded by Kay Carlton, Council voted unanimously to approve the August 2024 financial report as presented.

Votes were cast as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

- **TOWN MANAGER REPORT**

Town Manager Report 9/9/24

Strategic Objectives Next 6 Months for Year 2024

1. Complete architectural plans for structures at Central Park.
2. Start construction for Phase 1 of Hoskins Creek.
3. Finish Industrial Park design and engineering. (identify funding and implementation options)
4. Complete water system mapping project.
5. Finalize Phase 2 engineering of sewer project and identify funding sources.

Ongoing Major Council Initiative Projects

1. Central Park Project – The park playground is now open. The remaining landscaping plants will be installed this fall. Please visit our Facebook page for photos of progress.
 - i. Staff are working with architects to complete the restroom and pavilion structures before the end of the year.
 - ii. Permanent walkway designs throughout the park have yet to be determined. The gravel walkway material can be repurposed when a more permanent design is selected.
 - iii. A grand opening date has been set for Saturday October 5th. A live band with food and adult beverages will be available.
2. Water System Mapping – CHA Solutions the engineering company on the project creating the map met with staff for a preliminary review of the map. Outreach to customers has begun about their water lines starting in August. This is required for the grant.
3. Hoskins Creek
 - i. Boating Infrastructure Grant (BIG Grant) –The Town finally received a notice of award for us to proceed with permitting and design, but not construction. This is

still great news. Now these expenses will become eligible for reimbursement through the grant.

- ii. Shoreline Restoration – A pre-construction meeting is scheduled for September 12th. We anticipate construction to start shortly after the meeting.
- iii. Rec. Access Rd. –The VDOT grant requires a public hearing for the project before proceeding with construction. After the public hearing at the September meeting, staff intends to proceed with advertising documents for bid.

5. Old Airport Development

- i. Site Design VEDP –TRC Engineers have a set of plans for the roadway through the industrial park. Engineers anticipate having the plans completed by the end of the year. When to start construction of the property will be discussed at the upcoming Council Retreat in October.

Other Initiatives in Progress

- 1. The Mayor and I have discussed having a retreat this Fall for the primary purpose of goal setting for the years 2025-2026. The date of Wednesday October 30th has been selected. The retreat will start at either 4pm or 5pm and last until 9pm. Retired Manager/Administrator Kim Payne from the Berkley Group will be facilitating the retreat. Kim is one of the most respected retired managers in Virginia and has facilitated over 30 retreats for various governing bodies. Kim was a long-time City Manager for Lynchburg and County Administrator for Spotsylvania County.
- 2. Personnel Manual – This document was adopted at the August meeting and is available on the website.
- 3. Tourism Program –The upcoming photo shoot will feature Central Park along with highlighting other attractions unable to be captured in the last shoot due to time constraints.
- 4. Fleet Management – A new pump truck will be purchased for the General Services Department. Purchase and financing documents will be presented in September for Council.
- 5. CHA Solutions Update coming in September in for the Sewer Rehab Phase 2 Project – CHA is drafting a Phase 2 report for our sewer infrastructure needs. This will include a variety of upgrades such as completing the lining and manhole work for downtown, pump station repairs and electrical upgrades, and additional lining and manhole replacement in other older sections of Town that have not been inspected yet.
- 6. River realm – Staff met with Virginia’s River Realm participants in late August. An agreement for review is expected to be sent in September or October.
- 7. Davenport Financial recommends amending the 2021 Essex/United loan to better memorialize the taxable nature of the loan. Discussions are still being held on this matter.

Mayor Gladding asked Town Manager Pollitt if he had anything else to report.

Town Manager Pollitt thanked the staff for all their hard work and Whitting Turner, General Contractor, for getting the Central Park open. He thanked Council Member Carlton and Council Member Barrett for registering to attend the VML Conference. He reported the Council retreat will

be October 30, 2024, 4PM to 9PM. He stated the council members will be setting goals for FY 2025-2026.

- **COMMUNITY DEVELOPMENT REPORT**

Monthly Report – September 2024
Community Development and Zoning Administration

PLANNING COMMISSION (PC)

- The PC monthly meeting was held on September 4, 2024.
- The Commission is continuing their work on updates to the Short Term Rental and Mural Ordinance. Public hearings will be scheduled on these items in the coming months.
- Draft mural ordinance was presented to the PC and will be included in your October Council Packets to schedule a public hearing.

BOARD OF ZONING APPEALS (BZA)

- A BZA application was received on July 29, 2024 requesting a variance to allow an accessory structure (3-car garage) in the front yard on a water front lot located within the Town. Currently, the zoning ordinance prohibits accessory structures to be located in front yards. A public hearing for this matter will be scheduled in September.
- Staff will provide an update on the outcome of this variance which was heard by the BZA on September 5, 2024.

LARGER PROJECTS

- Town/County Boundary – At the TC meeting on February 12th TC approved the recommended “pink” boundary line as the acceptable town/county boundary line. It is the goal to ensure that the original town boundaries, as reflected on the Official Zoning Map dated September 16, 1993, are honored, and maintained. On February 13, 2024, Essex County’s agenda included the discussion of the town/county boundary clarification. At this meeting the County did not take action, asking staff and the County Attorney to clarify a few questions. During this review further research has been taken to evaluate the September 29, 1975, Annexation document (Reference Law Order Book 14 pgs. 97+). This review is on-going. County has indicated a desire to wait until after July 1, 2024, to resume these discussions. Still awaiting response from County.
- Public Maintenance Facility/Access Roads – Staff provided Dr. Thomas and his team a summary regarding the proposed boundary plat and alternative road alignments submitted to the Town for consideration. The summary outlined the findings and recommendations based on a review by the Town’s Consulting Engineers, TRC.
- VEDP Grant - Staff continues to coordinate with TRC, the Town’s consultant engineers. The preliminary private easement road and proposed boundary for the maintenance facility was provided to consultants to review the impact of these requests on the preliminary design for the airport property. Town staff has provided the School District with feedback on these documents. Staff anticipates construction drawings being submitted by next Friday September 13th.
- Zoning Map – The Official Zoning Map will need to be updated once the Town/County boundary line has been confirmed. This will require public hearings and adoption by the Town Council. In

the meantime, the zoning map adopted on January 9, 2023, has been printed, is available to the public and is also available online as a GIS layer.

- FEMA – The FEMA Community Action Visit (CAV) visit was conducted March 19-21. A summary report from FEMA has been received outlining the corrective action plan with a requirement to respond 60 days from April 24, 2024. The Town’s legal counsel and staff have worked with the Berkley Group to form a response to FEMA and provide service to the Town for administration of the Town’s Floodplain Ordinance.
- Berkley Group – The Berkley Group has assisted the Town in reviewing and drafting the mural ordinance, tracked the action by the Governor as related to short-term rentals and prepared a summary memo and draft short term rental ordinance for review, and began response to FEMA for the CAV.

COORDINATION WITH OUTSIDE AGENCIES

- MPPDC - The Monthly planners’ meeting was held on Wednesday, August 28, 2024, with MPPDC, Middle Peninsula Planning District Commission.

NEW ACTIVITY

- Starbucks – construction is underway, Signs, water connection and sewer connection have all been approved. Tap was made successfully on Town waterline in the middle of August. Site work and building shell are nearing completion, interior buildout will begin in the coming weeks.
- Fitzgerald’s Sports Bar – Zoning and Sign permits have been issued. Waiting on revised plumbing plan to show inclusion of dishwasher and dishwasher drain line being routed through the grease interceptor.
- Robles Cantina at 1607 Tappahannock Blvd. (formerly Shoney’s Restaurant). Rose Umana and Saul Garcia. Zoning permit has been issued including an alternative grease Interceptor. Grease interceptor design was changed from original approval. Waiting for updated information from their engineer to confirm adequacy.
- A new site plan had been received for the Primis Bank property located at 307 S Church Ln. The proposed use is a Convenience store.

Mayor Gladding recognized Assistant Town Manager Knighton and asked if he had anything else to report.

Assistant Town Manager Knighton reported the Planning Commission members approved for him to send the Council Members a rough draft of the mural ordinance for their review and tentatively a Joint Public Hearing will be scheduled for November 2024. He reported the Board of Zoning Appeals met to consider a request regarding a variance for an accessory structure to be placed in the front yard and that request was approved.

•TAPPAHANNOCK POLICE DEPARTMENT

Mayor Gladding recognized Chief Carter, Tappahannock Police Department. He reported that he will have one officer attending school for forensics and one officer attending school for K-9 handling.

• **PROCLAMATION – CONSTITUTION WEEK**

Mayor Gladding recognized the following Proclamation recognizing Constitution Week.

PROCLAMATION

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2024, marks the two hundred and thirty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS; Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designation September 17 through 23 and Constitution Week,

NOW, THEREFORE I, Roy M. Gladding by virtue of the authority vested in me as Mayor of the Town of Tappahannock do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals of the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Tappahannock to be affixed this 9th day of September of the year of our Lord two thousand and twenty-four.

• **USDA RESOLUTION – Vacuum and Pump Truck Purchase (TABLED)**

Mayor Gladding reported the USDA Resolution for the purchase of a vacuum and pump truck will be tabled until the October 15, 2024, Council Meeting.

• **TOWN WATER AND SEWER SYSTEM UPDATE**

Mayor Gladding recognized Brian Houston, CHA.

Brian Houston, CHA updated the council members on the Downtown Sanitary Sewer Improvements Phase I and Phase II, Lead Service Line Inventory and Town Mapping & Model by a power point presentation.

Brian Houston, CHA reported Downtown Sanitary Sewer Improvements Phase I is complete. He reported 2,459 LF of sewer replaced and that took about six months to complete and that helps reduce the flows at the pump stations and sixteen manholes were replaced.

Brian Houston, CHA reported Downtown Sanitary Sewer Improvements Phase 2 will include Rehab and Rehabilitation of 6,700 LF of sewer and associated manholes and eleven of sixteen pump stations. He reported the project costs is sewers \$2.8 million, pumpstations \$2.9 million and seeking USDA RD funding.

Brian Houston, CHA reported the next stage is assisting the Town in seeking USDA RD funding. He reported they have completed the first part which was they usually require an environmental review or you can apply for an exclusion depending on the situation and that exclusion was granted since the Town is addressing the existing systems and not putting in a new system. The next item is finishing the preliminary engineering report and submitting it which takes about forty-five days. He reported the project execution would be about twelve months for the design, two months for bidding and award and twelve months for construction.

Brian Houston, CHA reported the lead service line inventory is an ongoing project. He stated this project is an EPDA mandated program that requires the Town and customers to identify what types of materials are being used for the water service lines. He reported that if lead is being used then it will be required to be replaced. He reported the inventory needs to be submitted by October 16, 2024. He reported no lead has been found to date and he discussed the next steps.

Brian Houston, CHA reported that the Town's water mapping is being updated. He reported the maps are being converted into a digital GIS map to make it much easier for asset management and continued planning. He reported once the map is complete it will be used to create a model of the system to make it much easier to evaluate the system.

Mayor Gladding asked if the second phase will require new pipping and lining and if the lined pipes have been identified.

Brian Houston, CHA stated yes it would be a mix of new pipping and lining. He reported the current plans call for about two thirds of it to be lining and about one third new replacement pipe. He reported the additional indication had been made but once the detailed plans have been made then it will be checked again.

There was some discussion.

Mayor Gladding stated the Town Council would like to recognize some Town staff members for their years of service.

•PROCLAMATION – PATSY K. SCATES, THIRTY YEARS OF SERVICE.

Vice Mayor Latane read the following proclamation recognizing Patsy K. Scates for her thirty years of service with the Town of Tappahannock.

Honoring Patsy Scates for 30 Years of Dedicated Service

Whereas, Patsy Scates, the esteemed Clerk of the Town, has dedicated 30 years of exceptional service to our community, embodying the principles of integrity, professionalism, and commitment; and

Whereas, throughout her three decades of service, Patsy Scates has been a steadfast and reliable presence in the Town's administration, ensuring the smooth and efficient operation of our governmental processes, and maintaining accurate and essential records with the highest level of care; and

Whereas, Patsy Scates has earned the deep respect and admiration of her colleagues, town officials, and the citizens she has diligently served, becoming a pillar of our community and a trusted steward of the Town's history and affairs; and

Whereas, her extensive experience and knowledge of the town and its happenings, cultivated through her many years of dedicated service, have made her an invaluable resource upon whom we consistently rely for guidance and insight into the workings of our community; and

Whereas, on September 19th, we celebrate Patsy Scates' remarkable milestone of 30 years with the Town, acknowledging her countless contributions and the positive impact she has made on our town's governance and community life; and

Now, therefore, be it proclaimed that we, the Town Council, on behalf of the entire community, extend our deepest appreciation to Patsy Scates for her 30 years of outstanding service. We honor her for her dedication, hard work, and the invaluable role she has played in the administration and well-being of our Town.

In witness whereof, we have hereunto set our hand and caused the Seal of the Town to be affixed this 9th of September, 2024.

• **PROCLAMATION – ADAM TOWNSEND, DISTINGUISHED SERVICE**

Council Member Balderson read the following proclamation recognizing Adam Townsend, Director of the Wastewater Treatment Plant for his Distinguished Service.

Honoring Adam Townsend for His Distinguished Service

Whereas, Adam Townsend, the esteemed Director of the Wastewater Treatment Plant, has dedicated his career to ensuring the highest standards of environmental safety and public health in our community; and

Whereas, Adam Townsend's leadership and expertise have been instrumental in the successful operation and improvement of our wastewater treatment facilities, earning him the respect and admiration of his colleagues and the community at large; and

Whereas, Adam Townsend has shown an unwavering commitment to his work, contributing greatly to the sustainability and well-being of our town through his diligent efforts, innovative solutions, and exceptional management skills; and

Whereas, Adam Townsend will be leaving his position in September to relocate to Delaware, marking the end of a valued chapter in our town's history;

Whereas, we recognize the significance of this decision and honor Adam Townsend for prioritizing the needs of his family, exemplifying the values of compassion and dedication that have defined his career;

Now, therefore, be it proclaimed that we, the Town Council, on behalf of the entire community, express our deepest gratitude to Adam Townsend for his outstanding service and contributions to our town. We extend our warmest wishes for his and his family's future as they embark on this new chapter in Delaware.

Be it further proclaimed that Adam Townsend's legacy will continue to inspire and guide the work of the Wastewater Treatment Plant for years to come, and he will always be remembered as a valued member of our community.

In witness whereof, we have hereunto set our hand and caused the Seal of the Town to be affixed this 9th of September, 2024.

- **PROCLAMATION – OLIVER BISCHOF FOR TWENTY-FIVE YEARS OF SERVICE**

Council Member Dillard read the following proclamation recognizing Oliver Bischof, Public Works Superintendent for twenty-five years of service.

Honoring Oliver Bischof for 25 Years of Dedicated Service

Whereas, Oliver Bischof, the esteemed Public Works Superintendent, has devoted 25 years of exemplary service to the Town, demonstrating unwavering commitment, leadership, and expertise; and

Whereas, throughout his tenure, Oliver Bischof has played a pivotal role in maintaining and improving the infrastructure of our community, ensuring the safety, efficiency, and cleanliness of our public spaces and facilities; and

Whereas, Oliver Bischof's dedication to his work and his tireless efforts have earned him the respect and admiration of his colleagues, town officials, and the residents he has faithfully served; and

Whereas, on August 23rd, we celebrate Oliver Bischof's remarkable milestone of 25 years with the Town, recognizing his significant contributions and the positive impact he has made on our community; and

Whereas, Oliver Bischof's commitment to excellence and his passion for public service have left a lasting legacy that will continue to benefit our town for years to come;

Now, therefore, be it proclaimed that we, the Town Council, on behalf of the entire community, express our deepest gratitude to Oliver Bischof for his 25 years of outstanding service. We honor him for his dedication, hard work, and the many achievements he has made during his tenure as Public Works Superintendent.

In witness whereof, we have hereunto set our hand and caused the Seal of the Town to be affixed this 9TH of September 2024.

- **TRAFFIC COMMITTEE**

Mayor Gladding stated at the meeting last month there was discussion regarding the traffic issues within the Town. Mayor Gladding appointed the Public Safety Committee (*Balderson/Barrett) and Council Member Dillard, the citizens committee and Chief Thomas Carter to meet to secure some solutions to the traffic issues that were addressed in August 2024 Council meeting.

Council Member Balderson stated there have been some scheduling conflicts with both groups but hopefully a meeting can be scheduled for the first of October.

Mayor Gladding asked for any further business.

There was none.

- **MOTION FOR CLOSED MEETING**

On motion of Troy L. Balderson, seconded by Anita Latane, Council voted unanimously to convene in a closed meeting to discuss acquisition of real property exemption, discussion of prospective business or industry or expansion of existing business, investing of public funds exemption, legal counsel exemption and discussion or consideration of information subject to the exclusion in subdivision 3 related to economic development in accordance with the Virginia Freedom of Information Act. Pursuant to Section

2.2-3711 A.3, A.5, A.6 A.8 and A.39 of the Code of Virginia, 1950, as amended for discussion of discuss acquisition of real property exemption, discussion of prospective business or industry or expansion of existing business, investing of public funds exemption, legal counsel exemption and discussion or consideration of information subject to the exclusion in subdivision 3 related to economic development.

Votes were cast as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

• **MOTION FOR CERTIFICATION**

On motion of Troy L. Balderson, seconded by Anita J. Latane, Council voted unanimously to certify, by roll call vote, that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in their judgment, has taken place.

Certification as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

• **MOTION FOR CLOSED MEETING**

On motion of Troy L. Balderson, seconded by Anita J. Latane, Council voted unanimously to convene in a closed meeting to discuss legal counsel exemption in accordance with the Virginia Freedom of Information Act. Pursuant to Section 2.2-3711 A.7 and A.8 of the Code of Virginia, 1950, as amended for discussion of legal counsel exemption to discuss delinquent taxes.

Votes were cast as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

• **MOTION FOR CERTIFICATION**

On motion of Troy L. Balderson, seconded by Anita J. Latane, Council voted unanimously to certify, by roll call vote, that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in their judgment, has taken place.

COUNCIL MEETING MINUTES..... SEPTEMBER 9, 2024

Certification as follows:

Kay Carlton:	Aye	Troy L. Balderson:	Aye
Fleet Dillard:	Aye	Anita J. Latane:	Aye
Kenneth A. Gillis:	Aye		

There being no further business, the meeting was adjourned at 8:30 p.m.

Roy M. Gladding, Mayor

Patsy K. Scates, Town Clerk



TAPPAHANNOCK POLICE DEPARTMENT

*Post Office Box 266
Tappahannock, Virginia 22560
Office (804) 443-3992
Colonel Thomas D. Carter
Chief of Police*



Date: Tuesday, October 8, 2024

From: Colonel Thomas D. Carter, MPA
Town of Tappahannock, Chief of Police

To: Roy Gladding
Town of Tappahannock Mayor

Anita Latane
Town of Tappahannock Vice-Mayor

Fleet Dillard
Town of Tappahannock Council

Troy Balderson
Town of Tappahannock Council

Kay Carlton
Town of Tappahannock Council

Kenneth "Skip" Gillis Sr.
Town of Tappahannock Council

Carolyn Barrett
Town of Tappahannock Council

Eric Pollitt
Town Manager

All Tappahannock Police Department Personnel (Sworn & Unsworn)
Town of Tappahannock, Police Department Personnel

Subject: 90-Day Transition and Assessment of the Tappahannock Police
Department Operations, Administration, and Investigations Services
The Building a Better, Brighter, Future Tour!

Distribution: Mayor, Vice Mayor, Town Council, Town Manager, Police Personnel



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Colonel Thomas D. Carter
Chief of Police



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The position of Police Chief of the Town of Tappahannock is both challenging and rewarding, emphasizing practical and efficient executive leadership. The citizens of Tappahannock expect 24-hour service that ensures public safety, health, welfare, community engagement, and protection. As the new Chief of Police, I have reached a 90-day transition. Over 90 days, I have observed and assessed all components within our most essential department within the town operations.

This report outlines the objectives, early wins, accomplishments, and future goals established during my first 90 days as Chief of Police for Tappahannock. Through focused efforts in supervision, training, community engagement, operations, and organizational change, we have laid a strong foundation for enhancing the efficiency and effectiveness of our police department.

I have set and accomplished the following goals:

Goal 1: **Met with my direct supervisor**, Town of Tappahannock Council, PD staff and leadership face-to-face, and members of the community to collect as much information as possible. Discussion was held about police services, operations, administration, investigations, problem areas, town history, challenges, opportunities, and threats. More specifically discussion was held about the concerns of citizens, and a clear understanding of my expectations, roles and responsibilities.

Goal 2: **Developed partnerships within the community and attend community events**, reinforcing my goals and communicating opportunities for relationship building.

Goal 3: **Assessed the current leadership team** and create a **new organizational chart** that aligns with organizational goals and operations.

Goal 4: Evaluated accreditation, **department policies, procedures, budgeting**, services, equipment, vehicles, training, education, and other vital components while taking immediate action where necessary to correct any operational deficiencies.

Goal 5: **Evaluated the police department's strengths, weaknesses, opportunities, and threats (S.W.O.T.)** to determine strategic plans and build on opportunities.

Goal 6: **Reinforced the importance of training and education** and commit officers and supervisors to training opportunities to enhance the department's knowledge and experience.



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Goal 7: **Determined the department's alignment with the 21st-century Policing six Pillars**, which include Health and Wellness, Technology and social media, Building Trust and Legitimacy, Policy and Oversight, Community Policing and Crime Prevention, Training, and Education.

Goal 8: **Identified and reviewed emergency preparedness plans**, emergency operations center, emergency response and police department roles and responsibilities during a significant evacuation and/or an event involving a natural disaster or catastrophe. I assessed protocols, police department resources and responses.

Goal: 9 Met and discuss **roles and responsibilities** with the Essex County Sheriff's Office.

The Building A Better, Brighter, Future Tour! The following objectives have been completed and align with the above goals that were established:

1. Supervision

Upon my arrival, the promotion process was completed, promoting two Sergeants who have assumed their new responsibilities. We have also implemented two breaks for officers, allowing for better service coverage and overlap. The Sergeant operates on a split shift from 12 p.m. to 12 a.m., ensuring that critical times are adequately covered with supervision while assigning a dual-role traffic Sergeant to focus on traffic issues throughout the town. This necessity comes as a result of the numerous vehicle accidents and traffic fatalities observed in the town during my first 90 days.

We assigned a community liaison, Corporal, to develop partnerships between the police and the community.

We marked the supervisors police units with the word "SUPERVISOR" to increase engagement and public awareness of our leaders.

2. Training

I completed Senior Executive Leadership training at the University of Virginia at the recommendation of Town Manager Eric Pollitt. Additionally, Captain Jacob Siddons is set to begin the FBI-LEEDA supervisory series in October 2024 at Virginia Beach, with plans to apply for the Agency Trilogy upon completing all series.



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Officer Mark Cox will attend K-9 handler school starting October 7, 2024, which is significant as the agency has not had a K-9 in several years. This initiative incurs no costs beyond salary, kennel, and vehicle readiness, potentially saving the agency approximately \$20,000 and assisting with drug-related crimes.

Officer Tribble will attend Gang Training in October 2024 to enhance his investigative capabilities. The training will be funded through a scholarship and will cost the town nothing but accommodations and salary.

Corporal Williams participated in a School Resource and Community Engagement Forum in New Port News, gaining valuable skills for engaging with children in our community. She also attended training and became a certified school resource officer. These skills will enhance her community engagement skills. She is assigned as the community liaison Corporal.

Sergeant Olivia Martin is attending Forensic Investigative School. This initiative was in place before my arrival. However, I continued with those plans due to the necessity of a crime scene investigator. She will also begin the FBI-LEEDA supervisory series in February 2025.

Sergeant Scott Maltese attended General Instructor and Development School. He will also attend crash reconstruction school in 20225 and the FBI-LEEDA supervisory series in February 2025. Maltese is also the designated traffic supervisor. He directly focuses on traffic complaints, predictive policing related to crash locations, and enforcement.

We have established a corporate partnership with Liberty University, offering officers a discounted rate for courses outside the usual law enforcement discounts.

I have reviewed all employees training files and contend that there is a strong need to enhance training and education of our officers and staff. This will promote agency professionalism and personal development of each officer.

3. Community Engagement

The National Night Out event was a resounding success, with solid attendance from community members and town officials. This initiative fostered positive relationships between the police department and the community. At my request, the department received an additional \$2,500 donation from the Moose Lodge for this initiative.



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4. Operations

We successfully transitioned to Treds for crash reports, replacing the inefficient paper process. Officers have embraced this new system, allowing for the digitized completion and tracking of reports. Additionally, we secured a complimentary traffic study from Altumint to assess the feasibility of installing traffic enforcement cameras on Route 17 and Airport Drive near the elementary school to regulate traffic in this critical area. This program will incur no costs for the town, as the company will manage citations, with costs limited to salaries for approving violations electronically.

Two new employees have been hired. One is a pre-certified police officer, and the other will attend the Rappahannock Regional Academy.

5. Organizational Change

We implemented the continuous usage of a digitized sign to alert motorists throughout the town and other covert measures to deter crime. To alleviate Captain Siddons' workload, we have restructured first-line supervisors' responsibilities. First-line supervisors now handle scheduling, report reviews, evaluations, leave requests, and other essential tasks. An executive order was immediately placed to provide clear direction.

We revised the organizational chart, placing the Department Detective and Administrative Assistant under the Chief's direct command. The Detective will now investigate internal matters assigned by the Chief of Police and act as the Chief of Staff in the Captain and Chief's absence. Under my direction, an Office of Professional Standards has also been established.

Weekly staff meetings have been initiated to discuss CompStat and crime patterns, fostering transparent communication and addressing staff concerns in a supportive environment. We have implemented an approval process for all purchases, requiring the Chief's signature and receipts to minimize wasteful spending habits. Furthermore, the hiring process has been streamlined to facilitate a smoother applicant experience. Monthly crime reports have been instituted to build community trust and engagement, ultimately aiding crime deterrence. These reports have been distributed to the Town Council and the public through social media.

6. Organizational Components and Assessment

A Change of Command audit of the evidence room confirmed compliance with all standards. To ensure compliance, high-risk items such as precious metals, monies, and drugs were inspected.



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Officers now complete reports at the end of their shifts using ID networks, with oversight from first-line supervisors, the operations commander, and final approval from the administrative assistant. Community policing data is also captured and submitted through our website to ensure public transparency about crime and other significant events within the town.

We have upgraded our body camera system, replacing outdated equipment with AXON cameras, which enhance visibility during nighttime hours. Officers have received training on camera operations, and policies have been updated to mandate camera activation during all police calls for service. This initiative was in place before my arrival.

We will continue to monitor arrest procedures, transporting, procedural justice, handling of emergency custody orders, and prisoner safety.

We have established a new purchasing protocol to eliminate wasteful spending. We will continue to monitor the effectiveness and adjust as needed.

We have completed a vehicle fleet assessment

We have completed a special equipment assessment for firearms, less-than-lethal weapons, uniforms, tactical operations, the command center, building and grounds security, and other vital components.

We will need to identify and seek other funding options. There is a strong need to capitalize on grants and other resources to due to financial constraints. The police department purchased a significant number of ballistic vests and could have used a grant to purchase or assist in the purchase of more vests. Resources could be reallocated to other necessities.

I have reviewed crime trends, and made strategic plans for proactive and predictive policing to curtail growing problems within the town with the leadership team. Many crime trends include conflict resolution, public nuisance, shoplifting, and increased drug offences. We will continue to use an evidenced based policing approach to address the issues within the town. It's important to not only focus on enforcement but also community engagement and awareness, community support, and direction of services.



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Chief of Police*



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I have assessed traffic issues within the town and reviewed studies regarding the regulation of traffic within the town. In 2023 there were a reported 165 vehicle crashes within the Town of Tappahannock. As of October 8, 2024, there are 148 vehicle crashes in comparison to last year. These numbers are staggering and I will continue to work on strategies to reduce the number of vehicle crashes within the town. Most importantly is enforcement, and awareness in identified problem areas.

We have reviewed protocols regarding large scale events where large groups of people are gathered. We also evaluated protocols for nigh clubs, hotel ordinances and various other components that may raise public safety issues.

7. Community Engagement Activities

I have actively participated, spoken, attended, and introduced myself at the following events:

Farmers Market,

Purdue 50th Anniversary,

Rotary Club Meeting,

Moose Lodge Club Meeting,

Hot Mix Radio Interview,

Triad Ceremony,

Volunteer Fire Department Ceremony,

Soul By the River

St. Margaret's School Walk Through

Business Community Walk

National Night Out Police Sponsored Event

Central Park Soft Opening



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Romas' Owner Management Meeting

4th of July Softball Game

These engagements aim to strengthen relationships within the community and enhance our visibility and presence. The public has opportunities to engage their Police Chief, ask questions and receive responses pertinent to their concerns.

Stakeholder Engagement

I have met with key stakeholders, including community members on Water Lane, Councilwoman Carol Barrett, Essex County Sheriff Arnie Holmes, Essex County Commonwealth Attorney, Warsaw Police Chief, Colonial Beach Police Chief, Probation and Parole and staff, Circuit Court Clerk and staff, Essex County Communications Center, and Richmond County Sheriff Steve Smith, to discuss partnerships and collaborative efforts.

I will continue to work my way around and meet other stakeholders as time is available.

S.W.O.T. Analysis

The S.W.O.T. analysis was conducted early on during my transition period. Members of the PD's leadership team participated and submitted their own analysis. This gave me an idea about the threats that were hindering the departments forward progress from their perspective. The analysis gave the new leaders and Captain an opportunity to be a part of the decision-making process. Based on my assessment, I narrowed down what was important to the leadership team and created the list below:

- **Strengths:** Enthusiastic officers eager to engage in departmental initiatives; accredited status; and a growing fleet of new vehicles, diverse work environment, schedule flexibility, positive relationship and collaboration with Essex Sheriff's Department and VSP.
- **Weaknesses:** Lack of interrogation and interview rooms; need for improved police department location and mission alignment, inexperience of staff, understaffed, respect for authority, no K-9, enhanced criminal investigations, lack of training, lack of shift partner, lack of resources.
- **Opportunities:** Strong support from the Town Manager and Council, expansion of community engagement, technological expansion, special assignments such as bike patrols, E-Tickets, higher pay, new uniforms,



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S.W.O.T. Continued-

- **Threats:** Outdated systems and data analysis processes, retention, officer burnout, the necessity for support staff to fill gaps in training and initiatives, lack of training, the need for continuous traffic enforcement, technological enhancements, low salary.

As the Chief of Police, I will continue to strive to enhance the department by recognizing the identified threats and weaknesses, while building on our strengths and opportunities, and developing goals to create positive organizational change, where all members are aligned with the mission and we can build a better, brighter future together.



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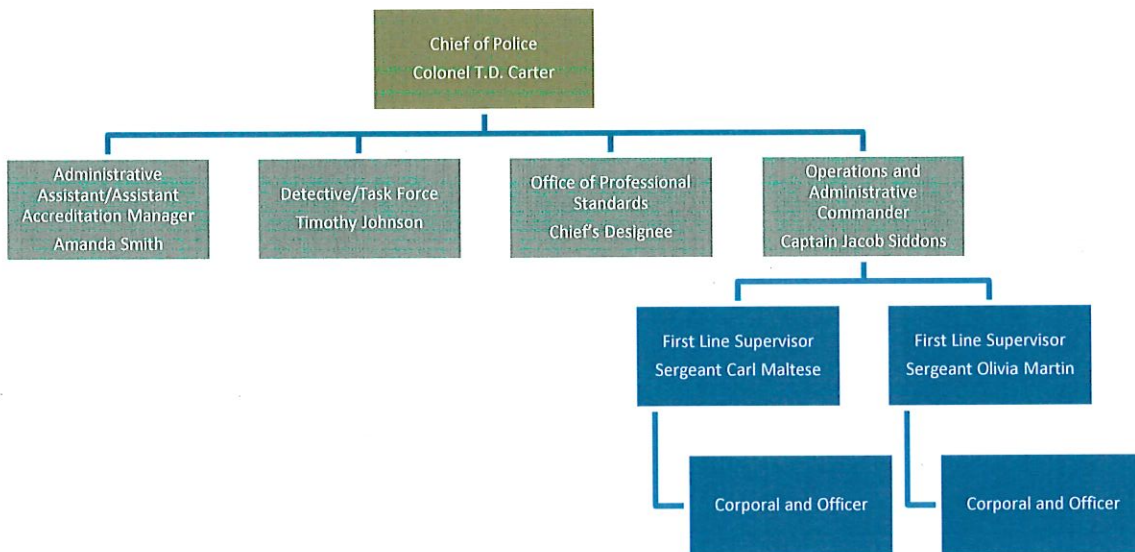


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**Tappahannock Police Department
Organizational Chart
FY 2024-2025**



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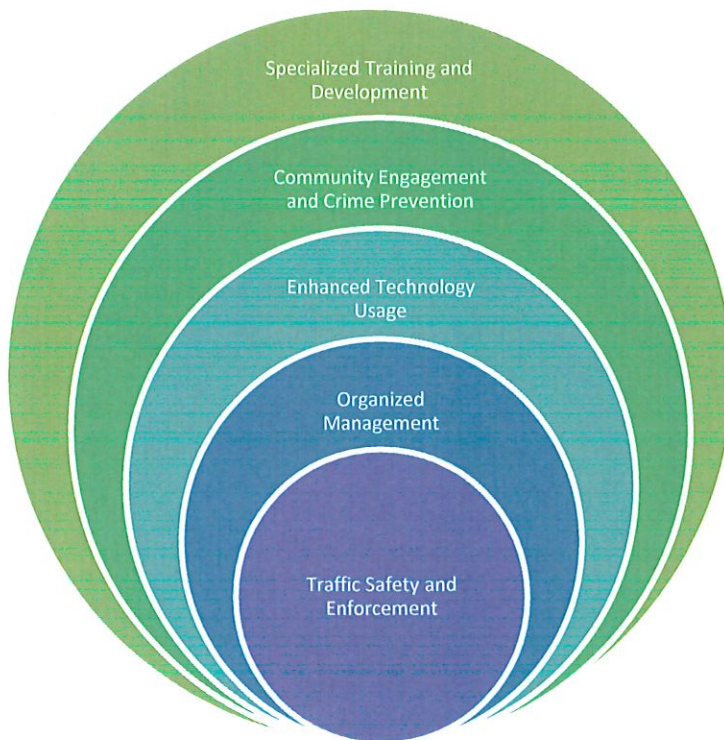
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Figure 1

Tappahannock Police Department Guide to Success Through Goal Setting and Strategic Planning.



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Future Projects and Goals

The list of goals is short-term and is a start to building a brighter, better, future. There will be more complex and long-term goals outlined in the future.

1. E-Summons Program

To address traffic concerns effectively, we plan to implement an E-Summons program. This initiative will allow for efficient use of resources while contributing to enhanced data reporting and analysis capabilities. Studies indicate that E-Summons significantly reduce the time spent on traffic stops, increasing safety for both officers and violators and increasing the number of issued summons. The project is at an estimated cost of \$40,000 with an \$11,000 recurring cost.

Expected Outcomes:

- a. Reduction in errors and data entry processing
- b. Elimination of legibility issues within the courts
- c. Improved operational efficiency
- d. Enhanced safety for officers and violators
- e. Increased officer engagement

2. FBI-LEEDA Department Award

To professionalize our department, all supervisors will receive leadership training through the FBI-LEEDA program. This program is a prestigious program that teaches law enforcement professionals in advanced leadership while promoting best practices through training, education, and networking. Police Officers will also increase specialized training than previous years.

3. Digitized Records

The strategies integration of new technology can improve operational efficiency and enhance public safety. Job satisfaction and reduced stress are also among the benefits of enhanced technology. Software such as IA-Pro and Blue Team can enhance our administrative and operational functions. The project is estimated at a cost of \$5500 with \$6000 or \$11,000 recurring cost.



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4. K-9 Program

The narcotics K-9 will provide enhanced search capabilities to detect illegal substances. There is a deterrence effect associated with the use of the K-9. One officer is already attending training with a K-9. Additionally, the K-9 offers safety to the officer by detecting threats and enhances public safety by assisting in the removal of illegal substances. Projected Cost \$5000, kennel cage, vehicle lettering.

5. Unmarked Police Unit

The purchase of a new fleet vehicle for Command leadership.

6. Grants

Obtain grants to alleviate high cost.

7. Traffic Enforcement Cameras

Cameras will assist in reducing the number of vehicle crashes and providing additional safety to the public. Continuous enforcement.

8. Bike Patrol Unit

Bike patrol unit will enhance public safety and increase community engagement. This allows police officers to get up close and personal with the community in which they serve. The usage will promote health and wellness among our police officers who experience stressful incidents daily. This program will assist in decreasing stress and promoting good health among our police officers. Projected cost will be \$10, 000.

9. Chaplain Program

Two Chaplains have been identified and will start by December 1, 2024. The chaplains will assist as needed to also promote health and wellness within the ranks. They will also be ceremonial and assist with ceremonies and spiritual counseling.



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10. Van Purchase

Purchase of a new passenger van for training initiatives and community engagement. Projected cost \$30,000.

11. Community Engagement

Increase community engagement through police programs such as the Police Athletic League.

12. Traffic Enforcement

Increase traffic enforcement and decrease the number of vehicle crashes compared to previous years.

In conclusion, my first 90 days as Chief of Police have resulted in several positive initiatives, and organizational changes within the Tappahannock Police Department. I look forward to continuing our efforts to improve community relations, operational efficiency, and the overall effectiveness of our department. I plan to create an inherent culture of community engagement and success centered around positive interactions, community needs, police officer professionalism, and organizational management. As communicated above, there is a lot of work to do. With your support we can accomplish all goals and **Build a Better, Brighter Future**, for our police department.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Carter".

Colonel Thomas D. Carter, MPA
Chief of Police
Town of Tappahannock Police Department

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