

REGULAR MONTHLY MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON OCTOBER 14, 2009

At the regular monthly meeting of the Farmville Town Council held on Wednesday, October 14, 2009, there present were Mayor S.C. Newman, Jr., presiding and Council members D.E. Whitus, D.L. Hunter, S.B. Thompson, T.M. Pairet, O.S. Overton, A.D. Reid and E.I. Gordon. Also in attendance were Town Manager, Gerald Spates, Town Attorney, Donald Blessing, Acting Chief of Police, Wade Stimpson, Director of Public Works, Robin Atkins, Town Treasurer, Carol Anne Seal and Town Planner, Cindy Morris.

Mayor Newman called the meeting to order. Council member Whitus offered the opening prayer and Council member Reid led the Pledge of Allegiance.

Guests were asked if they wished to address Town Council. Mrs. Algirtha Guest asked if the Town Council meeting was the proper place to address her concerns with Piedmont Regional Jail and their treatment of inmates. Mayor Newman informed Mrs. Guest that the Town of Farmville has no jurisdiction at the jail. Town Manager, Mr. Spates said the jail is located in Prince Edward County and suggested Mrs. Guest contact the Prince Edward County Board of Supervisors.

Longwood University Assistant Director of Off Campus Living, Ms. Angela Jackson introduced the University's Residential Educational Coordinator for Longwood Village, Ms. Amanda Pelar. Miss Pelar will be assisting Miss Jackson with off campus living issues.

On motion by Mr. Whitus, seconded by Mr. Hunter and with all Council members voting "aye", the minutes of the September 9, 2009 regular Council meeting were approved, as previously presented to each Council member.

On motion by Mr. Reid, seconded by Mr. Whitus and with Council members Whitus, Pairet, Overton, Reid and Gordon voting "aye", and Council members Hunter and Thompson "abstaining", stating they were absent from the meeting, the minutes of the September 23, 2009 reconvened Council meeting were approved, as previously presented to each Council member.

On motion by Mr. Whitus, seconded by Dr. Gordon and with a recorded vote with Council members Gordon, Overton, Whitus, Thompson, Reid, Hunter, and Pairet voting "aye", Council approved the Treasurer's Report.

On motion by Mr. Reid, seconded by Mr. Whitus and with a recorded vote with Council members Hunter, Whitus, Gordon, Thompson, Reid, Pairet and Overton voting "aye", Council approved payment of the following bills:

(Bills Printed in Minute Book)

DEPARTMENTAL MONTHLY REPORTS

Members received copies of the following monthly reports:

- Building Official's Report
- Property Inspector's Report
- Recreation Report
- Golf Course Monthly Tally

Mr. Spates reviewed the reports with Council at the work session held on Wednesday, October 7, 2009. He reminded members of the Halloween Costume Parade scheduled for Friday, October 30, 2009 beginning at 4:00 pm on Main Street and provided an update on the renovations of the banquet facility at the Farmville Municipal Golf Course.

STREET AND ALLEY ABANDONMENT REQUEST ON BEHALF OF THE WOODLAND, INC

On motion by Mr. Hunter, seconded by Mrs. Thompson and with Council members Hunter, Pairet, Overton, Thompson and, Reid voting "aye", and Council members Whitus and Gordon "abstaining", with Council member Gordon stating he has a "financial interest" and Council member Whitus is an employee of The Woodland, Inc, Council agreed with the recommendation of the Town Manager and granted a street and alley abandonment request on behalf of the Woodland, Inc. Council authorized the Town Manager to take the necessary action to abandon the streets and alleys in accordance with the revised 07/10/08 plat, prepared by Hurt & Profitt, Inc. titled "Plat Showing Redivision". The plat identified the area that encompass all those streets and alleys of the Agee Subdivision, recorded in the Prince Edward County Circuit Court Clerk's office in plat book 2 at page 40, which lie southwest of Cobb Street and southeast of Agee Street. The following is description of the streets and alleys abandoned:

- Holman Street South of Cobb Street .96 acres
- Wood Street West of Holman Street .34 acres
- Unnamed Street West of Holman Street .31 acres
- Wood Street East of Holman .34 acres
- Unnamed Street East of Holman Street .34 acres
- Alley South of Wood Street and North of Unnamed Street .14 acres
- Alley South of Cobb Street and North of Wood Street .14 acres

A map of the aforementioned streets and alleys was presented to each Council member and available for viewing in the Town Manager's office and Surveyor's office prior to the Public Hearing held on October 14, 2009.

REQUEST FOR CONDITIONAL USE PERMIT ON BEHALF OF MS. DORIS FARRAR

On motion by Mr. Reid, seconded by Mrs. Thompson and with all Council members voting “aye”, Council granted a request for a conditional use permit on behalf of Ms. Doris Farrar to operate a bakery in her home at 308 Second Avenue. This property is zoned R-1A and allows for a home occupation with a conditional use permit.

At the September 9, 2009, regular Council meeting members referred this request to the Farmville Planning Commission and authorized advertisement for a Public Notice. The Commission met on September 15, 2009 and members were furnished draft copies of the meeting. Mr. Spates said the Commission recommended favorable approval of the request and the Town has received no negative comments.

REQUEST AUTHORIZATION OF PAYMENT FROM THE NARCOTIC’S FUND – LAW ENFORCEMENT ASSOCIATES, INC.

On motion by Mr. Whitus, seconded by Mr. Hunter and with a recorded vote with Council members Reid, Whitus, Overton, Pairet, Gordon, Hunter and Thompson voting “aye”, Council approved payment of \$118.00 from the Narcotic’s Funds to Law Enforcement Associates, Inc. The purchase was for a 4.0 gig compact flash card.

REQUEST AUTHORIZATION OF PAYMENT FROM THE NARCOTIC’S FUND – LAW ENFORCEMENT ASSOCIATES, INC.

On motion by Mr. Reid, seconded by Mrs. Thompson and with a recorded vote with Council members Overton, Pairet, Whitus, Reid, Thompson, Hunter and Gordon voting “aye”, Council approved payment of \$270.00 from the Narcotic’s Funds to Law Enforcement Associates, Inc. The purchase was to repair a transmitter/recorder.

REQUEST AUTHORIZATION OF PAYMENT FROM THE NATCOTIC’S FUND – TACTICAL & SURVIVAL SPECIALTIES, INC.

On motion by Dr. Gordon, seconded by Mr. Hunter and with a recorded vote with Council members Pairet, Gordon, Thompson, Reid, Whitus, Hunter and Overton voting “aye”, Council approved payment of \$2,089.49 from the Narcotic’s Fund to Tactical & Survival Specialties, Inc. The purchase was for an Intruder Ballistic Shield and Entry Thunderbolt.

REQUEST PUBLIC HEARING FOR PROPOSED ZONING MAP AMENDMENTS

On motion by Dr. Gordon, seconded by Mr. Overton and with all Council members voting “aye”, Council followed the recommendation of the Town Manager and referred the proposed Town of Farmville zoning map amendments to the Farmville Planning Commission, and authorized advertisement for a joint Public Hearing to be held on Wednesday, December 9, 2009.

Town administrative staff has identified three (3) locations on the Town's current zoning map that are incorrectly labeled. The incorrect maps have been distributed to the public. There appears to be no indication that the proposed corrections will create any problems. Mr. Spates encouraged Town Council to refer the matter to the Farmville Planning Commission and authorize advertisement for a Public Hearing. The three (3) areas are identified below:

- Dogwood Park is located at 200 Milnwood Road in Farmville, VA (tax map #23-A09-A-33) and is currently being utilized for professional offices. This property is .306 acre and is incorrectly shown on the zoning map as R-1. The Town of Farmville proposes to amend the zoning for this parcel from R-1 to B-3, which is consistent with the current use, and the adjacent Dogwood Park property to the north, which is, zoned B-3.
- Baliegh Commons Subdivision is located off Scott Drive in the Town of Farmville, VA (parcel # 38-A-10). This property is currently an undeveloped 67.2-acre subdivision and is incorrectly shown on the zoning map as R-2. The Town of Farmville proposes to amend the zoning for this parcel from R-2 to R-3 which is consistent with the adjacent property to the north and west which is zoned R-3.
- Two parcels which are located south of Layne Street (former parcel #23-4-B/0.27 acre and parcel #22-B-1-1/0.79 acre) are incorrectly shown on the zoning map as B-3. The Town of Farmville proposes to amend the zoning for these parcels from B-3 to R-3, which is consistent with the adjacent properties to the east, west and south.

APPROVAL OF MINUTES OF OCTOBER 7, 2009

On motion by Mr. Whitus, seconded by Dr. Gordon and with Council members Whitus, Pairet, Overton, Reid and Gordon voting "aye" and Council members Hunter and Thompson "abstaining", stating they were not present at the meeting, the minutes of the October 7, 2009 regular work session meeting were approved, as presented to each Council member.

METERED MUNICIPAL PARKING LOT (BETWEEN SOUTH STREET AND N. VIRGINIA STREET) TWO HOUR FREE PARKING

On motion by Dr. Gordon, seconded by Mr. Whitus and with Council members Hunter, Gordon, Reid, Overton and Whitus voting "aye", and Council members Thompson and Pairet voting "no", the motion passed to rescind the two (2) hour free parking in the Farmville Municipal Metered Parking Lot, located between South Street and N. Virginia Street. Members agreed to revisit the matter if the meter electronics become capable of allowing what was Councils' initial intent.

At the regular work session meeting held on Wednesday, September 2, 2009, Council approved granting the first two (2) hours of parking in the metered municipal lot at no charge within a twenty-four hour, calendar day. Council members spoke of their intent to provide two hour free parking to those customers shopping in the downtown area.

The Town Manager said that after meeting with the meter technicians on October 13, 2009; he was informed that if the meters were programmed to allow the first two-hours free, without a specifying

a time, it would be difficult for the enforcement of violations. Mr. Spates suggested an area in the municipal lot be designated as two (2) hour free parking and officers visually monitor those spaces or specifying free parking from 8:00 am – 10:00 am or from 10:00 am – 12:00 pm. Members did not support either recommendation, disagreeing with designating free spaces because of enforcement issues and saying the times selected may not be convenient for all individuals. After extensive deliberation and discussions, the majority of Council agreed to proceed with resending the two hour free parking until the technology becomes compatible with Council's original intent.

INFORMATION ON IMMIGRATION CENTER OF AMERICA – FARMVILLE, LLC

At the regular work session held on October 7, 2009, members requested information on the Immigration Center of America - Farmville, LLC. Members received copies of the following information:

- Zoning ordinance providing for a private or public detention or holding facility for adult immigrant Level 1 detainees, with a conditional use permit
- June 13, 2007 minutes approving conditional use permit on behalf of Mr. Russell Harper to establish a private immigrations facility to house Level 1 classified detainees
- Detainee Classification System
- U.S. Immigration & Naturalization Service Severity of Offense Scale Classification

Members were offered copies of the contracts – Council members Thompson, Pairet and Gordon requested copies.

APPLICATION FOR PARADE PERMIT ON BEHALF OF ST. JOHN'S LUTHERAN CHURCH

On motion by Mrs. Thompson, seconded by Mr. Hunter and with all Council members voting "aye", Council granted a parade permit request on behalf of the St. John's Lutheran Church to hold a "walk" on October 18, 2009 beginning at 9:00 am. Members will be walking from their old church at 1913 South Main Street to their new church located at 1301 Milnwood Road. Mr. Spates said the Farmville Police Department has been notified and will have an officer on scene to direct traffic.

FARMERS MARKET

On motion by Mr. Pairet, seconded by Mrs. Thompson and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting "aye", Council authorized the Town Manager to move forward with soliciting an engineer to prepare a structural analysis report of the Old Tobacco Warehouse. The analysis will cost approximately \$3,000 and is needed in order to determine the feasibility of using a portion of the building to operate a Farmers Market.

Mr. Spates asked for Council's support in relocating the Farmers Market from the Farmville Train Station to the Old Tobacco Warehouse. With the Town renting out the Train Station for events and the Farmers Market operating on Saturdays, there have been some issues with parking and use of the restroom facilities. Relocating the Farmers Market to the Old Tobacco Warehouse offers the local vendors ample booth spaces, restroom facilities and convenient parking. Mr. Spates said he has discussed this option with Proctor Harvey of Harvey Design Land Architects and Mr. Harvey expressed support of the concept pending a structural analysis of the building. A power point presentation was presented, which highlighted various area Farmers Markets and additional information relating to booth space rental was provided.

The Town Manager gave a verbal update on the following items:

- Fall Clean up scheduled for October 19, 2009 notices have been posted in the newspaper and on the Town's website. Mr. Spates provided a summary of the Town's recycling process.
- Farmville's Public Works Department installed the Tourist Information Center signs throughout the Town.
- Complimented the Farmville Police Department for their assistance with the "Rock the Block" party hosted by Longwood University.
- Provided members with the September figures for sanitation and recycling.
- Received notification from the US Justice Department that they do not oppose the Town's request to combine the voting precincts of A and B, with the joint location being the Farmville Train Station.
- New traffic light at Cedar Avenue should be operational in approximately one week.
- Retirement party for Stuart Dunnivant has been moved to the Sports Arena.
- Provided members with a brief power point presentation on the proposed Streetscape Phase II project.

Council members commented or inquired on the following matters:

- Dr. Gordon asked Council to consider establishing a "Welcome Wagon" committee to meet and greet new residents to the community. Members felt the Council member from that specific ward should address this issue.

CLOSED MEETING MOTION

On motion by Dr. Gordon, seconded by Mr. Whitus and with all Council members voting "aye", Council went into closed session pursuant to **Section 2.2-3711.A.1** of the Code of Virginia, for discussion or consideration of or interviews of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the Town of Farmville and **Section 2.2-3711.A.7** of the Code of Virginia for consultation with legal counsel and briefings by staff members, consultants or attorneys,

pertaining to actual or probable litigation, and other specific legal matters requiring the provision of legal advice by counsel.

Mayor Newman called for a five (5) minute recess at 8:09 pm. The meeting was called to order at 8:15 pm.

On motion by Dr. Gordon, seconded by Mr. Reid and with all Council members voting “aye”, Council returned to the regular order of business.

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Farmville Town Council that such closed meeting was conducted in conformity with Virginia law;

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

VOTE: “7” Ayes

MOTION: Gordon

SECOND: Hunter

AYES: Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon

NOES: none

ABSENT DURING VOTE: none

ABSENT DURING MEETING: none

Clerk

There being no other business, the meeting was adjourned at 8:50 pm.

Mayor S.C. Newman, Jr.

Lisa M. Hricko, Clerk