

REGULAR MONTHLY MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON DECEMBER 9, 2009

At the regular monthly meeting of the Farmville Town Council held at 7:00 pm on Wednesday, December 9, 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, Director of Public Works, Robin Atkins, Town Treasurer, Carol Anne Seal and Town Planner, Cindy Morris.

Mayor Newman called the meeting to order. Reverend Jim Price offered the opening prayer and Council member Reid led the Pledge of Allegiance. No one present wished to address Town Council.

On motion by Mr. Reid, seconded by Mr. Overton and with Council members Whitus, Thompson, Pairet, Overton, Reid and Gordon voting “aye” and Council member Hunter “abstaining” stating he was not present at the meeting, the minutes of the November 12, 2009 special council meeting were approved, as previously presented to each Council member.

On motion by Mrs. Thompson, seconded by Mr. Whitus and with Council members Whitus, Thompson, Pairet, Overton, Reid and Gordon voting “aye” and Council member Hunter “abstaining” stating he was not present at the meeting, the minutes of the November 12, 2009 regular council meeting were approved, as previously presented to each Council member.

On motion by Mrs. Thompson, seconded by Dr. Gordon and with all Council members voting “aye”, the minutes of the November 17, 2009 reconvened council meeting were approved, as previously presented to each Council member.

On motion by Dr. Gordon, seconded by Mr. Reid and with all Council members voting “aye”, the minutes of the November 24, 2009 reconvened council meeting were approved, as previously presented to each council member.

On motion by Mr. Reid, seconded by Mr. Overton and with Council members Gordon, Whitus, Overton, Reid, Pairet, Hunter and Thompson, voting “aye”, Council approved the Treasurer’s Report.

On motion by Mr. Reid, seconded by Mr. Overton and with a recorded vote with Council members Pairet, Thompson, Overton, Gordon, Reid and Hunter voting “aye”, and Council member Whitus “abstaining” stating he had not received copies of the bills, members 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

PROPOSED ZONING MAP AMENDMENTS

On motion by Mr. Pairet, seconded by Mr. Overton and with a recorded vote with Council members Thompson, Overton, Reid, Gordon, Whitus, Hunter and Pairet voting "aye", Council followed the recommendation of the Farmville Planning Commission and approved the following zoning map amendments:

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

The matter was presented to Council at their November 2009 regular meeting. Members referred it to the Farmville Planning Commission and authorized advertisement for a joint Public Hearing. No one present at the Hearing spoke against the proposed rezoning map amendments. Town Manager, Mr. Spates identified the proposed amendments as housekeeping issues and said he foresees no problems with the corrections.

PROPOSED ORDINANCE AMENDMENT – SEC. 20-28. MEMBERS-APPOINTMENT; TERM; COMPENSATION; QUALIFICATIONS

On motion by Mr. Pairet, seconded by Mr. Overton and with a recorded vote with Council members Overton, Pairet, Hunter, Gordon, Whitus, Reid and Thompson voting "aye", Council followed the recommendations of the Farmville Planning Commission and amended Chapter 20, Planning, Section 20-28 to the following:

ARTICLE II. PLANNING COMMISSION

Sec. 20-28. Members--Appointment; term; compensation; qualifications.

(a) The planning commission shall be composed of not more than seven (7) nor less than five (5) members appointed by the council. One (1) of the members shall be a member of the town council and one (1) of the members shall be an administrative official of the town. All other members, who shall be known as appointed members, shall be qualified voters of the town residing within its corporate limits, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property.

(b) All members of the commission shall serve with compensation as set by council. The appointed members shall hold no other municipal office or position; except, that they may serve on the board of zoning appeals. The term of office of the administrative official member shall correspond to his respective official tenure. The appointed members shall serve for a term of six (6) years.

At the November 2009 regular Council meeting, Council authorized advertisement for a joint Public Hearing and referred this matter to the Farmville Planning Commission. No one at the Public Hearing spoke against the proposed amendments and the Farmville Planning Commission recommended Town Council adopt the proposed amendments.

PROPOSED ORDINANCE AMENDMENT – SEC. 29-411 APPOINTMENT AND TERM

On motion by Hunter, seconded by Pairet and with a recorded vote with Council members Whitus, Hunter, Overton, Gordon, Reid, Thompson and Pairet voting “aye”, Council followed the recommendation of the Farmville Planning Commission and amended Chapter 29, Zoning, Article IV Board of Zoning Appeals, Section 29-411, Appointment and term to as follows:

ARTICLE IV. BOARD OF ZONING APPEALS

Sec. 29-411. Appointment and term.

(a) A board consisting of five (5) members shall be appointed by the circuit court of Prince Edward County. The board shall receive compensation as set by council and members shall be removable for cause upon written charges and after a public hearing.

(b) The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One (1) of the five (5) appointed members may be an active member of the planning commission. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(c) The board shall choose annually its own chairman and vice-chairman, who shall act in the absence of the chairman.

This matter came before Council at their regular meeting in November 2009. Members referred it to the Farmville Planning Commission and authorized advertisement for a joint Public Hearing. No

one present at the Hearing spoke against the proposed amendments and the Farmville Planning Commission recommended Town Council approve the amendments.

RESCIND AND ADOPT PROPOSED AMENDED NOISE CONTROL ORDINANCE

On motion by Mr. Whitus, seconded by Mr. Hunter and with a recorded vote with Council members Reid, Whitus, Gordon, Thompson, Overton, Pairet and Hunter voting “aye”, Council moved to rescind Town ordinance Chapter 16, Noise Control and adopt proposed amended Chapter 16, Noise Control, as presented to each Council member.

At the November 2009 regular Council meeting members authorized advertisement of a Public Hearing and recommended Town Attorney, Donald Blessing review the proposed noise control ordinance. The proposed amended ordinance presented at this evening’s Public Hearing includes the recommendations of Town Attorney, Donald Blessing. Mr. Spates and Mr. Blessing spoke in favor of the noise control ordinance, which is modeled after Chesterfield County and had received favorable reviews by attorneys with the Virginia Municipal League and Local Government Attorney Association.

PROPERTY ABANDONMENT REQUEST ON BEHALF OF WILLIAM LYNN AND LLOYD MCKAY FOR PROPERTY LOCATED BETWEEN 610 EAST SECOND STREET AND 700 EAST SECOND STREET

On motion by Mr. Pairet, seconded by Mr. Hunter and with all Council members voting “aye”, Council followed the recommendation of the Town Manager and agreed to remove from the agenda a street and alley abandonment request on behalf of William B. Lynn and Lloyd McKay. Council requested Mr. Lynn and Mr. McKay resubmit their request once the Town has identified the utility easements needed to install the waterline in the requested abandonment area.

This matter came before Council in October 2008 and was referred to the Farmville Planning Commission. In November 2008, the Commission recommended Council grant the request. However, the Town Manager asked Council to table the matter until the utility easements for a waterline project could be identified in the requested abandonment area identified as “property located between 610 East Second Street and 700 East Second Street”. At Council’s December 2009 meeting, Mr. Spates said unfortunately the project is taking longer than he anticipated and asked Town Council to remove the request from the agenda and authorize him to contact Mr. Lynn and Mr. McKay requesting they reapply once it is determined the property abandonment request will not affect the utility easement.

FARMVILLE INDUSTRIAL DEVELOPMENT AUTHORITY VACANCY

Mr. Spates informed Town Council members that Mr. John Wilck has resigned from the Farmville Industrial Development Authority. Mr. Wilck stated in his letter of resignation that since he

will be taking office as member of the Prince Edward County Board of Supervisors in January 2010 he felt that his time commitment to the county would preclude him from fulfilling his duties as a member of the FIDA. Mr. Spates said he would be placing an ad in the Farmville Herald for community residents interested in filling Mr. Wilck's seat on the FIDA.

AUTHORIZE PAYMENT FROM THE NARCTOIC'S FUND

On motion by Mr. Whitus, seconded by Mr. Reid and with a recorded vote with Council members Overton, Pairet, Whitus, Reid, Gordon, Hunter and Thompson voting "aye", Council approved payment of \$819.00 from the Narcotic Fund to Law Enforcement Associates, Inc for a color button camera with audio.

RESOLUTION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION DILLWYN RESIDENCY AND THE CUMBERLAND COUNTY BOARD OF SUPERVISORS

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 adopted a resolution authorizing the Town Manager to write a letter to the Virginia Department of Transportation, Dillwyn Residency and to the Cumberland County Board of Supervisors. The letter is to request that the tree limbs encroaching on Airport Road be cut and to request that the entranceways to the bridge on Airport Road be repaired. Mr. Spates described the area as possibly creating a road hazard to motorists.

MUNICIPAL PARKING LOT AGREEMENT WITH PRINCE EDWARD COUNTY

On motion by Dr. Gordon, seconded by Mrs. Thompson and with a recorded vote with Council members Gordon, Reid, Overton, Pairet, Thompson, Hunter and Whitus voting "aye", Council moved to offer all persons interested in purchasing an annual parking decals a discounted rate of \$300.00 per parking decal/space. The discounted rate is a savings of approximately 50%, when calculating the average work year at 239 days. All decals will be sold on an annual basis only, with an expiration date of December 31 of the year purchased. Decals purchased throughout the year will be sold at a prorated rate and will have the same expiration date of December 31 of the year purchased. Customers that had purchased a yearly parking decal and are not able to drive the decaled vehicle are to call the Town Treasurer's Office and provide information on the vehicle they are driving that day so as not to receive a parking violation.

The Town Manager presented members with the proposed Parking Agreement Between the County of Prince Edward, Virginia and Town of Farmville, Virginia prepared by Prince Edward County Administrator, Mr. W. Wade Bartlett. Mr. Spates said that the County Board of Supervisors approved the Agreement at their meeting held last night. He suggested the Agreement be referred to a committee

for consideration. Council member Dr. Gordon spoke in disagreement, saying conversations regarding the municipal lot have been ongoing; Dr. Gordon stressed the need for a final resolution regarding municipal parking matters. Council members and the Town Manager discussed the proposed Parking Agreement at great length, speaking of past conversations with County officials, the Town's costs associated with purchasing property to expand the municipal parking lot, construction and maintenance costs related to the lot and recent discussions that had occurred at Council's December work session. Members spoke of their desire to offer discounted parking to all persons interested in purchasing a yearly parking decal but did not speak favorably of the five (5) year Parking Agreement, in conclusion members declined to adopt the Parking Agreement.

STREET LIGHTS

On motion by Mr. Whitus, seconded by Mr. Reid and with all Council members voting "aye", members accepted the recommendation of the Town Manager and referred the issue of establishing criteria for the installation of streetlights in new subdivisions to the Farmville Planning Commission for their recommendation to Town Council.

Mr. Spates reported that he had received requests for the installation of new streetlights in Jesse Ridge and Creek Wood Subdivisions. He said he has spoken with the developer and they have agreed to cover the installation costs and the Town will pay the monthly user fee. The lights will be installed at intersections that dead-end in the subdivisions. Mr. Spates has recommended the Planning Commission establish criteria requiring developers of new subdivisions to follow in reference to the installation of streetlights.

EMPLOYMENT AGREEMENT FOR THE CHIEF OF POLICE

On motion by Mr. Whitus, seconded by Mr. Hunter and with a recorded vote with Council members Hunter, Pairet, Overton, Reid, Whitus, Thompson and Gordon voting "aye", Council approved the Chief of Police Employment Agreement for Mr. Douglas Mooney with the recommendations made by Council member Whitus.

TOWN MANAGER PROVIDED A VERBAL UPDATE ON THE FOLLOWING:

- Farmville Prince Edward County Community Library
- Grove Street Park incident
- West Third Street pedestrian bridge
- Verbal update on ICA - discussions on personnel issues relating to compensation for those individuals attending training and ICA's personnel policies.

FARMVILLE TOWN COUNCIL MEMBERS COMMENTED OR INQUIRED ON THE FOLLOWING MATTERS:

- Dr. Gordon spoke of his concerns with local healthcare issues

On motion by Dr. Gordon, seconded by Mr. Hunter and with all Council members voting “aye”, Council went into closed session at 8:10 pm, pursuant to **Section 2.2-3711.A.3** of the Code of Virginia, for the discussion or consideration of the condition, acquisition or use of real property for public purpose, or of the disposition of publicly held property.

On motion by Mr. Whitus, seconded by Mr. Pairet and with all Council members voting “aye”, Council returned to the regular order of business at 8:45 pm.

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

MOTION: Gordon

SECOND: Reid

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

NOES: no one

ABSENT DURING VOTE: no one

ABSENT DURING MEETING: no one

Clerk

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

APPROVED:

ATTEST:

Mayor S.C. Newman, Jr.

Lisa M. Hricko, Clerk