

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON NOVEMBER 10, 2010

At the regular meeting of the Farmville Town Council held on Wednesday, November 10, 2010, at 7:00 p.m., in the Town Hall Council Chambers located at 116 North Main Street, Farmville, there were present Mayor S.C. Newman, Jr. presiding, and Council members D.L. Hunter, S.B. Thompson, T.M. Pairet, O.S. Overton, A.D. Reid, and E.I. Gordon. Also attending were Town Manager, Gerald Spates; Town Attorney, Donald Blessing; Town Treasurer, Carol Anne Seal; Chief of Police, Douglas Mooney; Director of Public Works, Robin Atkins; and Town Planner, Cindy Morris. Council member D.E. Whitus was absent.

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

PUBLIC COMMENT PERIOD

Mr. Jimmy Johnson, Co-chairman of the Downtown Revitalization Committee and business owner of the Sleeping Bee located on Main Street, provided Town Council with an overview of the progress of the Downtown Revitalization Committee. In closing, Mr. Johnson thanked Town Council for their support in agreeing to cover the parking meters on Main Street and West Second Street for this year's holiday season, beginning November 5 through the end of the year. He spoke of the Committee's pending request to extend the time purchased by a quarter from half an hour to two (2) hours for the parking meters located on Main Street and West Second Street. Mr. Johnson urged Town Council to consider the request. He said by extending the time it would provide shoppers with the opportunity to leisurely visit multiple stores.

Dr. Gordon asked that future requests indicate the ratio of the businesses supporting or opposing the Committee's request. He spoke of the diversity of opinions and the decisions made by Town Council affecting all Main Street merchants. Dr. Gordon said he felt that it is important Town Council know the statistics of those businesses supporting or opposing a request when making their decision. Mr. Johnson said the Committee does not have a mechanism in place to pole the merchants but would look into the matter.

Longwood University students, Ms. Molly Spraker and Ms. Meghan Lamson, appeared before Council to speak on this year's annual Longwood's Big Event scheduled for March 26, 2011. This will be the third year the University has participated in this worldwide community

service project. The mission of Longwood's Big Event is to promote campus and community unity as students join to express their gratitude for the continuous support that the Farmville community offers during the students college careers. Ms. Spraker spoke of limited funding and sponsorship opportunities. She said they are anticipating 1,000 students participating and hope to have 100 job sites, including yard work, painting, light construction, etc.

PUBLIC HEARING – PROPOSED ORDINANCE AMENDMENTS TO CHAPTER 28 WATER, SEWERS AND SEWAGE DISPOSAL

Mayor Newman announced this was the date and time scheduled for the Public Hearing on the proposed amendments to the water and sewer ordinance. Town Manager, Gerald Spates read the Public Hearing notice stating the purpose of the hearing was to hear citizen comments on the proposed water and sewer rate increases and proposed increase in deposits. No one present wished to comment on the matter, and the Public Hearing was closed.

REQUEST APPROVAL OF MINUTES OF THE REGULAR COUNCIL MEETING HELD ON OCTOBER 13, 2010

On motion by Mr. Pairet, seconded by Mr. Hunter, and with all Council members voting "aye", the minutes of the October 13, 2010, regular Council meeting were approved, as previously presented to each Council member.

REQUEST APPROVAL OF THE TREASURER'S REPORT

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

REQUEST APPROVAL OF PAYMENT OF THE OCTOBER BILLS

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

(Bills Printed in Minute Book)

PROPOSED ORDINANCE AMENDMENTS TO CHAPTER 28 WATER, SEWERS AND SEWAGE DISPOSAL

On amended motion by Dr. Gordon, seconded by Mr. Hunter, and with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council followed the recommendation of the Budget Committee and approved amending Town ordinances in Chapter

28 Water, Sewers And Sewage Disposal. The motion was amended to include the following effective dates: **Sec. 28-57. Deposits** will be effective on January 1, 2011. Town ordinances **Sec. 28-58. Rate schedule, Sec. 28-59. Surcharge on multiple units served by a single meter and Sec. 28-158. Sewer charge**, will be in effect on the last billing period in 2010. The following Town ordinances were amended:

Chapter 28

WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 28-57. Deposits.

(a) The treasurer is authorized to require the following deposits from persons opening new water accounts:

(1) *Residential consumers:*

- a. In town . . \$100.00
- b. Outside of town . . . \$150.00

(2) *Commercial consumers* (on the basis of the treasurer's estimates of the prospective consumer's use):

- a. In excess of twenty thousand (20,000) gallons per two (2) months:
 - 1. In town . . . \$200.00
 - 2. Outside of town . . . \$300.00
- b. When the person opening a new account owns the property to be supplied water, the treasurer may not require a deposit.

Sec. 28-58. Rate schedule.

(a) The charge for water shall be:

- (1) First 3,000 gallons . . . \$19.03
- (2) Over 3,001 gallons to 20,000 gallons, per 1,000 gallons . . . \$2.93
- (3) Over 20,001 gallons, per 1,000 gallons . . . \$4.40

(b) The minimum charge for water service to locations within the town shall be nineteen dollars and three cents (\$19.03) for up to and including three thousand (3,000) gallons, based on a bimonthly consumption. The minimum charge for service to locations outside of town shall be an additional fifty (50) percent more than the minimum charge within the town. Where consumption outside the town is in excess of three thousand (3,000) gallons, the charge shall be fifty (50) percent more than the charges within the town, based on a bimonthly consumption.

Sec. 28-59. Surcharge on multiple units served by a single meter.

(a) In addition to the charges imposed by other sections of this article, there shall be added to all bills for meters serving more than one (1) unit, a bimonthly surcharge of seven dollars and fifty cents (\$7.50) per unit for all units in excess of one (1), whether occupied or not. For the purpose of this section, a unit is described as follows:

- (1) The part of a building designed or used as separate living quarters.
- (2) The part of a building designed or used as a separate business, profession, trade or occupation.
- (3) For nursing homes, hospitals, rooming houses, boardinghouses, or any like structure, every four (4) beds shall constitute one (1) unit.
- (4) For hotels, motels, or any like structure, every four (4) rooms shall constitute one (1) unit.
- (5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.

(b) For customers outside the town the surcharge shall be the same as for customers inside the town, plus fifty (50) percent.

(c) There shall be no surcharge on dormitories when they are owned by an educational institution and used to house students attending that institution.

Sec. 28-158. Sewer charge.

(a) There is hereby imposed against each water user having a sewer connection into the town sewer system a charge equaling one hundred twenty (120) percent of the water bill.

(b) For each connection into the town sewer system that is not a user of town water, there shall be a bimonthly charge of, forty eight dollars and forty cents (\$48.40) plus a bimonthly charge of forty-eight dollars and forty cents (\$48.40) for each additional unit, whether occupied or not.

(c) For the purpose of this section, a unit is described as follows:

- (1) The part of a building designed or used as separate living quarters.
- (2) The part of a building designed or used as a separate business, profession, trade or occupation.
- (3) For nursing homes, hospitals, rooming houses, boardinghouses, or any like structure, every four (4) beds shall constitute one (1) unit.
- (4) For hotels, motels, or any like structure, every four (4) rooms shall constitute one (1) unit.

(5) For mobile home parks, each space designed or used to accommodate one (1) mobile home shall constitute one (1) unit.

(6) For schools, day-care centers, or any like structure, every fifteen (15) students shall constitute one (1) unit.

(d) For customers outside the town that are not users of town water, the charge shall be the same as for customers inside the town, plus fifty (50) percent.

(e) All users contributing more than five hundred thousand (500,000) gallons per month and whose waste strength is greater than two hundred (200) mg. BOD/l or two hundred (200) mg. TSS/l or twenty-five (25) mg. TKN/l, shall prepare and file with the town manager a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain these data, and these data shall be used to calculate the user charge for that user. The employees of the town or designated agent shall have the right to gain access to the waste stream and take its own samples. Should the employees of the town or designated agent do so and should the results be substantially different as determined by the laboratory of the town wastewater treatment facility or designated certified laboratory from the data submitted by the user, the user charge for that user shall be revised for the next billing cycle period.

Discussions took place on the effective date of the ordinance amendments as to not cause confusion to utility customers. Council supported the recommendation of the Town Manager, and agreed that the ordinance regarding deposits would be effective January 1, 2011, and amendments regarding rate increases as to be in effect on the last billing in 2010.

DEPARTMENTAL MONTHLY REPORTS

Members received copies of the following monthly reports for informational purposes:

- Building Official's Report
- Property Inspector's Report
- Recreation Calendar
- Golf Tally
- Recycling Report
- Staff Overtime Report

REQUEST FOR AMENDMENT TO TOWN ORDINANCE SEC. 23.1. OBSTRUCTING STREETS, SIDEWALKS, ETC.

On motion by Mr. Hunter, seconded by Mrs. Thompson and with all Council members voting “aye”, Council supported the recommendation of the Ordinance Committee and authorized advertisement for a Public Hearing on an ordinance amendment that will prohibit residents and business owners from placing grass clippings, sticks, leaves, etc from their premises onto a public street or sidewalk.

At the September Council meeting, this matter was referred to the Ordinance Committee. The Town Manager reminded members of the numerous complaints received from residents and businesses owners regarding grass clippings being blown into the streets or left on sidewalks. The Ordinance Committee reviewed other localities ordinances and recommends the following amendments:

Chapter 23

STREETS AND SIDEWALKS

Article I. In General

Sec. 23.1. Obstructing streets, sidewalks, etc.

(c) It shall be unlawful for any person to ~~sweep or throw any dirt or refuse from any house, business, yard, or other property onto the sidewalks, gutters or streets or into the storm sewer inlet~~ place or allow to be placed or to continue the accumulation of leaves, grass clippings, sticks, dirt or refuse, etc., from their house, business, yard, or other property onto a public street, a sidewalk, the grass strip between a paved sidewalk and a street, or into a storm sewer inlet or on an area that pedestrians would be expected to use as a public right-of-way. Such refuse shall be gathered into containers and collected with other refuse; provided, however, that this provision shall not apply to the accumulation of leaves placed along the edge of the roadway in the public right-of-way during special collection periods designated by the town for collection of leaves.

(d.) *Each day the condition exists constitutes a separate offense. Any person violating any provision of this article shall be guilty of a class 4 misdemeanor.*

Mr. Spates reported that Town Attorney, Donald Blessing has reviewed the proposed amendments and sees no issues.

COMMITTEE REPORTS

Members received copies of the following Committee reports for informational purposes, no action is required.

- Recreation Committee
- Personnel Committee

- Budget Committee

REQUEST PAYMENT FROM NARCOTIC'S FUND

On motion by Mr. Reid, seconded by Dr. Gordon, and with a recorded vote with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council approved payment of \$425.00 from the Narcotics Fund to Electronic Services Agency for the purchase of a digital voice recorder.

TOWN EMPLOYEE THANKSGIVING HOLIDAY SCHEDULE

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with a recorded vote with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council approved following the state holiday schedule and granted Town employees a half day off on Wednesday, November 24, 2010, as part of their Thanksgiving holiday.

The half day on Wednesday, November 24 will be in addition to Thursday, November 25 and Friday, November 26.

REQUEST APPROVAL OF MINUTES OF THE COUNCIL WORK SESSION HELD ON NOVEMBER 3, 2010

On motion Mr. Reid, seconded by Dr. Gordon, and with all Council members voting "aye", the minutes of the November 3, 2010, work session were approved, as presented to each Council member.

APPOINTMENTS TO THE FARMVILLE BOARD OF ZONING APPEALS

On motion by Dr. Gordon, seconded by Mr. Reid, and with a recorded vote with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council supported the Town Manager's recommendation and agreed to request that the Circuit Court of Prince Edward County reappoint Mr. Lloyd McKay and Mr. Richard Lash to the Farmville Board of Zoning Appeals. Mr. McKay and Mr. Lash's new terms will run through December 31, 2015.

The Town Manager informed Council that members on the Farmville Board of Zoning Appeals serve five (5) year terms. He said that Mr. Lash and Mr. McKay's terms would be expiring on December 31, 2010. Mr. Spates said both members have agreed to continue to serve.

REQUEST TO CANCEL TOWN COUNCIL'S DECEMBER 1, 2010 WORK SESSION

On motion by Mrs. Thompson, seconded by Mr. Reid and with all Council members voting "aye", members agreed to cancel the Town Council work session scheduled on December 1, 2010.

Mrs. Thompson stated that with the Thanksgiving holiday schedule of half day off on Wednesday, November 24 and being off November 25 and 26, it would be difficult for administration to put together an agenda to be ready by the Wednesday, December 1 work session. Members supported her recommendation and cancelled the December work session meeting.

TOWN MANAGER AND STAFF PROVIDED A VERBAL UPDATE ON THE FOLLOWING MATTERS:

- Town Manager, Gerald Spates, spoke on various town events and projects. He also said that the vehicle license tax refund checks would be mailed by the middle of next week to those individuals that purchased a Town decal for this year. Mr. Spates informed Council that the Recreation Committee has directed him to ask the Prince Edward Farmville Youth Association if they would consider leasing the Six Shooters building to the Town for its recreation programs. He said he will discuss this matter with the Board when he meets with them on the draft Agreement in regards to the fields.
- Public Works Director, Robin Atkins, spoke of the success of this year's fall cleanup campaign and provided an update on various Town Trails.
- Police Chief, Douglas Mooney, spoke on ongoing community projects. He also spoke on the Police Department's policy for funeral escort services. Chief Mooney said the Department will be providing funeral escort services according to the State Code and provided a brief explanation of the policy.

FARMVILLE TOWN COUNCIL MEMBERS COMMENTED OR INQUIRED ON THE FOLLOWING MATTERS

- Council member Pairet asked for an update on the Milnwood Road Project.
- Council member Gordon asked to be brought up to date on the Streetscape Phase II Project and questioned the status of the FERN Project.

CLOSED SESSION – PRIVACY OF INDIVIDUALS

On motion by Dr. Gordon, seconded by Mr. Reid, and with all Council members voting "aye", Council went into closed session pursuant to **Section 2.2-3711.A.4** of the Code for the protection of the privacy of individuals in personal matters not related to public business.

On motion by Dr. Gordon, seconded by Mr. Overton, and with a recorded vote with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon 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: 6

MOTION: Gordon

SECOND: Reid

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

NOES: none

ABSENT DURING VOTE: Whitus

ABSENT DURING MEETING: Whitus

Clerk

On motion by Mr. Reid, seconded by Mrs. Thompson, and with all Council members voting “aye”, Council recessed the meeting at 8:24 pm and agreed to reconvene at 12:00 pm on Thursday, November 18, 2010, at the Farmville Prince Edward Community Library for a joint meeting with the Prince Edward County Board of Supervisors.

Mayor S.C. Newman, Jr.

Lisa M. Hricko, Clerk