

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON APRIL 22, 2011

At the rescheduled regular meeting of the Farmville Town Council held on Friday, April 22, 2011, at 3:00 pm in the Town Hall Council Chambers, located at 116 North Main Street, Farmville, there present were Mayor S.C. Newman, Jr., presiding, and Council members D.E. Whitus, 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; Town Planner, Cindy Morris; and Lisa Hricko, Town Clerk. Director of Public Works, Robin Atkins entered the meeting at 3:15 pm. Council members D.L. Hunter and S.B. Thompson were absent.

CLERKS NOTE: Due to unforeseen circumstances the regular April Council meeting was postponed until April 22, 2011.

Mayor Newman called the meeting to order. Reverend Sylvia Meadows offered the opening prayer, and Council member Reid led the Pledge of Allegiance. Mayor Newman announced the public comment period.

PUBLIC COMMENT PERIOD

Mr. Robert Messarge provided Council members with a handout that he felt addressed some of the concerns expressed by the Farmville Planning Commission. Attached was also a petition signed by some of the area residents supporting the Messarge's request for a conditional use permit, to prepare and deliver pre-ordered sandwiches to customers from their home. The Planning Commission met on March 15, 2011 and unanimously agreed to recommend Town Council deny the request. Mr. Messarge spoke of the financial hardship the process is causing him and asked Council for a resolution. Council stated it is on the agenda for this meeting and will be discussed at that time.

Reverend Meadows addressed Town Council speaking on the Heart of Virginia Free Clinic and the organization's desire to use the property located at 201 North Main Street, Farmville, formally known as the Daily Grind to open a facility in this area. She spoke on the statistics of uninsured or underinsured Americans, and this region's need for a facility of this type. Reverend Meadows said the clinic would help those individuals who are trying to help themselves. A formula would be used to determine a client's eligibility. Clients would be interviewed/screened in the daytime with most medical appointments in the evening hours. The

proposed facility will provide nonemergency/acute care. In closing, Reverend Meadows invited Town Council members to a lunch/dinner meeting with Executive Director, Amy Hamlin in order to have all their questions and concerns answered. Council members spoke of some possible zoning issues and suggested that the property owner contact the Town Manager for an interpretation of the zones allowed uses.

There being no other guests, Council returned to the regular order of business.

REQUEST APPROVAL OF REVISED MINUTES OF THE REGULAR COUNCIL MEETING HELD ON MARCH 9, 2011

On motion by Mr. Whitus, seconded by Mr. Overton, and with all Council members voting “aye”, the revised minutes of the March 9, 2011 regular Council meeting were approved, as presented.

REQUEST APPROVAL OF TREASURER’S REPORT

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

Council was informed that the line of credit had been paid off and would not be assessable again until May 5 or 6.

REQUEST APPROVAL OF PAYMENT OF THE MARCH 2011 BILLS

On motion by Mr. Whitus, seconded by Mr. Overton, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid, and Gordon 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 for informational purposes:

- Building Official’s Monthly Report
- Property Inspector’s Monthly Report
- Recreation Activity Report
- Recycling Report
- Golf Tally

RECREATION DIRECTOR

On motion by Dr. Gordon, seconded by Mr. Reid, and with all Council members voting “aye”, Council supported the Recreation Committee’s recommendations and authorized the Town Manager to post the vacant Recreation Director position in-house.

Mr. Spates updated members on the recent Recreation Committee meeting. He said the Committee has directed him to post the vacant Recreation Director position in-house. Two current employees have expressed interest in the position. Mr. Spates said that if the position is filled by a Town employee – his/her current position would be eliminated. Mr. Pairet spoke of recent Lacrosse practices where no adults were present; he asked how soon the position could be filled. Mr. Whitus and Dr. Gordon commented on the Town’s budget saying that the Town has to be vigilant in its spending and that if a position is vacated, it needs to remain open. Mr. Spates spoke in agreement.

BUDGET COMMITTEE REPORT

Mr. Whitus, Chair of the Budget Committee, and Mr. Spates updated Council on the Budget Committee’s recommendations from their March 16, 2011 meeting. The Committee discussed the need to increase revenues and cut expenses. They revisited the idea of charging for services provided by the Public Works Department: garbage collection, recycling; and billing for roll-out carts. In addition, they supported not waiving fees and denying all requests for appropriations. Mr. Whitus said, the Committee has also discussed increasing the meals tax and real estate tax rate. He said, “the Town is no different than the state and federal government, we are all facing difficult economic times.” He went on to say, I am not in favor of raising taxes but at the end of the day, the budget must balance”... “increasing the meals tax is fairer then raising the real estate tax.” Dr. Gordon spoke on the Town’s purchases of real estate – Field of Dreams, Mottley Lake, Farmers Market, the Golf Course and the importance of each of those properties. In conclusion, members agreed to discuss the Budget Committee’s recommendations in more detail, once the proposed budgets are ready for review.

CONDITIONAL USE PERMIT REQUEST ON BEHALF OF MR. AND MRS. MESSARGE

On motion by Mr. Pairet, seconded by Mr. Reid, and with all Council members voting “aye”, Council authorized advertisement of a Public Notice for a conditional use permit on behalf of Mr. and Mrs. Messarge to prepare and deliver pre-ordered sandwiches to customers from their home. The property is zoned Residential District R-1A, and a conditional use permit is required for home occupations.

At the March 9, 2011 Council meeting, members referred this matter to the Farmville Planning Commission for their recommendations. The Planning Commission met on March 15, 2011 recommending Town Council deny the request. The Planning Commission spoke of concerns with possible signage and parking issues, and that a commercial kitchen will be operating in a residential zone. The Commission expressed concerns with the neighborhood losing its residential identity. Mr. Spates said there have been residents coming forward both supporting and opposing this request.

Members authorized advertising a Public Notice. Dr. Gordon questioned if only the adjoining property owners would be notified by mail or if all residents living in a Residential R-1A zone would receive a letter since this permit, if granted, would be changing the entire concept of all Residential R-1A zones in the Town. Mr. Spates said the Code requires the adjoining property owners would be notified by mail; but the Town sends letters to those residents in the neighborhood. He said the community will learn of the pending request for a conditional use permit by the posting in the Farmville Herald.

REQUEST FOR SUPPORT OF A CONDITIONAL USE PERMIT ON BEHALF OF CHICK-FIL-A

On amended motion by Mr. Pairet, seconded by Dr. Gordon, and with all Council members voting “aye”, Council directed the Town Manager to write a resolution to the corporate office of Chick-fil-A expressing Council’s support of a full service Chick-fil-A restaurant coming to the Town of Farmville.

The Town Manager informed members that he had recently been informed that the corporate office of Chick-fil-A had concerns with opening a full service restaurant with a satellite restaurant already in operation in Farmville. Management questioned if there was enough community interest in Chick-fil-A to support two restaurants. Council questioned if the corporate office had concerns or if they had received negative comments from the owners of the satellite restaurant. Mr. Spates was unsure, but said he felt that a letter of support from Town Council would be well received. Members conferred with the Town Attorney on the wording of the letter.

Mr. Spates asked that Chick-fil-A request for a conditional use permit be continued.

REQUEST ADVERTISEMENT FOR A PUBLIC HEARING TO INCREASE THE MEALS TAX

Mr. Whitus suggested that this issue be continued until Town Council has an opportunity to review the proposed 2011-2012 Town Budget. Members agreed.

REQUEST FOR FUNDING ON BEHALF OF THE COMMONWEALTH REGIONAL COUNCIL

On motion by Mr. Whitus, seconded by Mr. Pairet, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, members denied a request for funding on behalf of the Commonwealth Regional Council.

Mr. Spates shared a letter from the Commonwealth Regional Council requesting the Town of Farmville rejoin the organization and become a regional partner for the 2011-2012 fiscal year. There is a \$15,700 cost associated with the membership. In lieu of the Town’s current budgetary constraints and having representation through Prince Edward County, Council has declined to rejoin the Commonwealth Regional Council for this fiscal year.

REQUEST APPROVAL OF WATER SUPPLY PLAN AND DROUGHT MANAGEMENT ORDINANCE

On motion by Dr. Gordon, seconded by Mr. Pairet and with a recorded vote with Council members Whitus, Pairet, Overton, Reid, and Gordon voting “aye”, Council approved the Water Supply Plan.

On motion by Dr. Gordon, seconded by Mr. Reid and with a recorded vote with Council members Whitus, Pairet, Overton, Reid, and Gordon voting “aye”, Council approved the Drought Management Ordinance.

The Town and County received grant funds to develop a state mandated Regional Water Supply Plan. Draper Aden is assisting the Town and County in this joint project. Mr. Spates spoke of the presentation Ms. Cheryl Stevens, with Draper Aden Associates presented to Town Council members at the April 6, 2011 work session.

REQUEST REAPPOINTMENT OF ROBERT GLENN TO THE BOARD OF ZONING APPEALS

On motion by Mr. Reid, seconded by Mr. Pairet and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, Council moved to ask that the Circuit Court of Prince Edward County reappoint Mr. Robert Glenn to the Farmville Board of Zoning Appeals. Mr. Glenn will begin his new five year term on June 1, 2011 and it will run through May 31, 2016.

POLICE DEPARTMENT POLICY AND PROCEDURES MANUAL

On motion by Mr. Whitus, seconded by Mr. Reid, and with all Council members voting “aye”, Council followed the recommendation of the Town Manager and referred the proposed Police Department Policy and Procedure Manual to the Police, Fire and Safety Committee for recommendation to Town Council.

Mr. Spates said as a part of the certification process for the police department, Farmville’s Police Department Policy and Procedure Manual needed to reviewed and updated. He suggested manual be referred to the Police, Fire and Safety Committee for their recommendations.

PROCLAMATION HONORING NATIONAL TELECOMMUNICATION’S WEEK

On motion by Mr. Whitus, seconded by Mr. Pairet, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, Council adopted the following proclamation honoring Farmville’s 911 Dispatchers:

National Telecommunication’s Week
April 10th through April 16th, 2011

WHEREAS, emergencies can occur at any time that require police, fire or EMS personnel; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and EMS personnel are critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters and EMS personnel is dependent upon the accuracy of information obtained from citizens who telephone the Farmville Communications Center; and

WHEREAS, 911 Dispatchers are the first and most critical contact our citizens have with emergency services; and

WHEREAS, 911 Dispatchers are a vital link for our police officers, firefighters and EMS personnel by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, 911 Dispatchers of the Farmville Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each 911 Dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year;

THEREFORE BE IT RESOLVED, that the Town Council of the Town of Farmville declares the week of April 10th through 16th, 2011 to be National Telecommunicator's Week in Farmville, in honor of the men and women whose diligence and professionalism keep our community and citizens safe.

CLERKS NOTE: Due to the rescheduling of the April Council meeting, there was a delay in the proclamation being adopted by Town Council.

REQUEST FOR APPROVAL OF MINUTES OF THE REGULAR WORK SESSION HELD ON APRIL 6, 2011

On motion by Mr. Pairet, seconded by Dr. Gordon, and with all Council members voting "aye", the minutes of the April 6, 2011, regular work session were approved, as presented to each Council member.

BUDGET COMMITTEE

On motion by Dr. Gordon, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting "aye", Council supported Dr. Gordon's recommendation and moved to dissolve Town Council's standing Budget Committee.

Dr. Gordon said the Budget Committee was established last year with the task of generating ways to increase revenue and decrease expenditures for this upcoming fiscal year. Since the proposed 2011-2012 Town Budgets will be distributed for review shortly. He suggested that the Budget Committee be dissolved and future discussion of the proposed 2011-2012 Town Budget be done with the entire Council.

REQUEST ADOPTION OF THE RESOLUTION AUTHORIZING THE ISSUANCE OF AND SALE OF A GENERAL OBLIGATION REVENUE ANTICIPATION NOTE SERIES 2011

On motion by Dr. Gordon, seconded by Mr. Reid and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting "aye", Council agreed to adopt a resolution authorizing the issuance of and sale of a general obligation revenue anticipation note series 2011 in the maximum amount of \$2,000,000.

Mr. Spates informed Council that the adoption of the resolution is an annual requirement in order to be able to borrow off the \$2,000,000 line of credit with SunTrust Bank. Town

Treasurer, Carol Anne Seal said once all the documents are processed, the line of credit should be available May 5 or 6.

2010 EXCELLENCE IN WATERWORKS OPERATIONS/PERFORMANCE AWARD

On motion by Dr. Gordon, seconded by Mr. Reid, and with all Council members voting “aye”, Council commended the Farmville Water Treatment Operators for receiving an Operations/Performance Award given by the Commonwealth of Virginia Office of Drinking.

Members praised the Operators for their commitment to excellence in water quality and their exemplary operational standards.

REQUEST AUTHORIZATION TO AWARD CONTRACT FOR PHASE II OF THE STREETScape PROJECT

On motion by Mr. Pairet, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, Council authorized a resolution awarding the Streetscape Phase II project to Virginia Carolina Pavers.

Mr. Spates informed Council that the Town received five (5) bids for the project. Virginia Carolina Pavers submitted the low bid of \$697,140.91. The Town has been awarded \$550,000 and has received a letter of intent for an additional \$431,000.

REQUEST PERMISSION FOR USE OF CRUTE STAGE

On motion by Mr. Pairet, seconded by Mr. Reid, and with all Council members voting “aye”, Council granted permission to Buffalo Creek Guitars and the Downtown Revitalization Committee the use of Crute Stage to hold an open-mike event on the following dates May 4, June 4, July 6, August 3, September 7, and October 5 from 6:00 pm through 9:00 pm.

Mr. Spates said earlier this month, they held an open-mike event and it was well received by the community.

REQUEST FOR FEE ADJUSTMENT ON BEHALF OF HABITAT FOR HUMANITY

On motion by Dr. Gordon, seconded by Mr. Overton, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid, and Gordon voting “aye”, Council denied a fee adjustment request on behalf of Habitat for Humanity.

Council received written request from the Farmville Area of Habitat for Humanity asking that Habitat for Humanity only be billed for actual costs of a water and sewer tap and building permit fee. Members spoke of their support for Habitat for Humanity; but said they need to be proactive and follow their policy in not waiving fees.

REQUEST FOR PROPERTY ON BEHALF OF CALLAWAY TRAILER PARK

On motion by Dr. Gordon, seconded by Mr. Pairet, and with Council members Whitus, Pairet, Overton, Reid, and Gordon voting “aye”, Council denied a request by Mr. Nathan Bozarth, owner of Callaway Trailer Park, to consider the sale of four (4) acres of property that adjoins the Callaway Trailer Park.

Mr. Bozarth is interested in expanding the Callaway Trailer Park, and has asked if Town Council would be interested in selling four (4) acres of Town property located adjacent to his property. Mr. Spates spoke of the process the Town would have to follow in selling property, and said he thought the property’s value would be approximately \$6,000 an acre. Members discussed the current market value of property. They said the four (4) acres are located next to the Town’s Field of Dreams and is part of a larger track of Town owned property. They spoke of being unsure of the future use of the Town property in that area and supported denying the request, at this time.

REQUEST FOR PAYMENT FROM NARCOTIC’S FUND

On motion by Mr. Reid, seconded by Mr. Overton and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, Council authorized payment of \$5,000 from the Narcotic’s Fund to SyTech Corp. for computer software and monitor.

The total invoice was \$9,500. Commonwealth Attorney’s Office will be paying \$4,500, Farmville’s portion is \$5,000.

REQUEST ADOPTION OF RESOLUTION SUPPORTING THE APPLICATION FOR FUNDING THROUGH THE VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM

On motion by Mr. Pairet, seconded by Mr. Reid and with a recorded vote with Council members Pairet, Whitus, Reid, Overton, and Gordon voting “aye”, Council supported adopting the following resolution:

**Resolution of the Town of Farmville for the
VDOT Revenue Sharing Program for
Fiscal Year 2012**

WHEREAS, at a Farmville Town Council meeting on April 22, 2011, the following resolution was adopted for the Town’s intent to participate in the Virginia Department of Transportation Revenue Sharing Program for FY 2012; and,

WHEREAS, the Farmville Town Council desires to submit an application for an allocation of funds of up to \$350,000 through the Virginia Department of Transportation Fiscal Year 2012 Revenue Sharing Program; and,

WHEREAS, \$350,000 of these funds are requested to fund improvements to South Main Street from Milwood Road (0.8 miles) south to Williams Street, High Street (1.4 miles) from Main Street west to End of Town Corporate Limits, and Griffin Boulevard (0.8 miles) from High Street south to Main Street; and,

WHEREAS, the VDOT Revenue Sharing Program requires a local match on a dollar-for-dollar basis, which can come from the locality's general fund. Other VDOT administered fund sources including street maintenance funds cannot be considered as the match. The Town's match for a \$350,000 Revenue Sharing Program allocation would be \$350,000 for a total project cost of \$700,000; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Town Council of Farmville hereby supports this application for an allocation of \$350,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Farmville Town Council hereby grants authority to the Town Manager to execute project administration agreements for any approved Revenue Sharing Projects.

ADOPTED this 22nd day of April 2011.

Mr. Spates said the Town's application for Revenue Sharing Program will be for \$350,000. The program is a fifty/fifty percent match, and applying no way obligates the Town. The application will be submitted for overlaying the following streets: South Main Street from Milwood Road south to Williams Street, High Street from Main Street west to End of Town Corporate Limits and Griffin Boulevard from High Street south to Main Street.

MISCELLANEOUS REPORTS

Members received copies of the following documents for their information:

- Monthly Overtime Report
- Parking Meter Tally
- Retail Sales and Dollar Volume Report
- VML Town Section Meeting Schedule
- Correspondence from the Virginia Department of Transportation announcing Public Hearing date of the Fiscal Year 2012-2017 Six Year Improvement Program

- Thank you letter from Longwood President, Patrick Finnegan for Farmville’s financial support of the Longwood Center for the Visual Arts

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

Mr. Spates provided a verbal report on various Town projects and activities. Chief Mooney and Director of Public Works, Robin Atkins provided departmental updates.

FARMVILLE TOWN COUNCIL MEMBERS INQUIRED OR COMMENTED ON THE FOLLOWING:

Council member Pairet asked the status of the Milnwood Road Project.

Council member Dr. Gordon suggested that staff research creating an ordinance or policy that would address temporary storage units in residential areas. He mentioned the tractor trailer body in the driveway of a residential home in his neighborhood and the number of complaints he received. Dr. Gordon also spoke on the golden hour of medicine and stressed the need for a medical helicopter service in this area.

CLOSED SESSION – LEGAL CONSULTATION

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.7 of the Code of Virginia for consultation with legal counsel and briefings by staff members, consultants or attorneys to actual or probable litigation, and other specific legal matters requiring the provision of legal advice by counsel.

On motion by Dr. Gordon, seconded by Mr. Whitus, and with all 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: 5 “Ayes”, 0 “Noes”

MOTION: Gordon

SECOND: Reid

AYES: Whitus, Pairet, Overton, Reid and Gordon

NOES: None

ABSENT DURING VOTE: Hunter and Thompson

ABSENT DURING MEETING: Hunter and Thompson

Clerk

RESOLUTION EXTENSION OF THE WATER AND SEWER AGREEMENT

On motion by Dr. Gordon, seconded by Mr. Whitus, and with a recorded vote with Council members Whitus, Pairet, Overton, Reid and Gordon voting “aye”, Council adopted the following resolution:

**Resolution Recommending the
Extension of the Water and Sewer Agreement
Between
The County of Prince Edward, Virginia and
The Town of Farmville, Virginia**

April 22, 2011

Whereas the Town of Farmville, Virginia (“Town”) and the County of Prince Edward, Virginia (“County”) are both parties to a Water and Sewer Agreement between the County and the Town dated November 19, 2008, and

Whereas, both parties are concerned about reliable long term planning to meet the water consumption needs of its residents; and

Whereas, the Town has two water reservoirs and two intake permits in operation or pending approval, and has water resources and existing treatment facilities paid for by Town citizens substantial enough to address the needs of both the Town and the County for the foreseeable future, and

05/02/2011

Whereas, the County has a water withdrawal permit issued by the Virginia Department of Environmental Quality allowing for water withdrawal from the Sandy River Reservoir which expires in 2021, and which withdrawal permit is not being utilized due to lack of demand; and

Whereas, the County in 2021 has the ability – regardless of need - to request an extension of the discharge permit provided it is the owner of all lands adjacent to the Sandy River Reservoir; and

Whereas, it is in the mutual benefit of all of the citizens and taxpayers of the County and the Town to provide for both near and long term water needs of the citizens in the most practical, economical and environmentally sound manner possible;

Now, Therefore Be It Resolved that the Town shall offer to the County the following:

- ▶ the formation of a water resource committee (“Committee”), to be comprised of two non-elected non-government employed citizens of the Town, and two non-elected non-government employed citizens of the County, to advise the parties going forward on the best and most cost effective methods of servicing the region’s water needs;
- ▶ an extension of the Agreement giving the County an additional ten (10) years of guaranteed access to the Town’s water system beyond 2018;
- ▶ an agreement, to be drafted by the parties, to allow for both parties to share in the cost of accessing the Sandy Creek Reservoir and connecting same to the Town’s existing water treatment system, at such time as the need exists as defined by specific parameters to be determined by the Committee;
- ▶ the ability to avoid forcing the taxpayers of both the Town and the County from having to incur tens of millions of dollars in debt for a system acknowledged by the County’s own consultants to be – at best – redundant, impractical and uneconomical.

Adopted this 22nd day of April 2011.

There being no other business, the meeting was adjourned at 4:57 pm.

Mayor Sydnor C. Newman, Jr.

Lisa M. Hricko, Clerk

05/02/2011