

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON JULY 13, 2011

At the regular meeting of the Farmville Town Council held on Wednesday, July 13, 2011, at 7:00 pm in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, VA, 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 present 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; Town Planner, Cindy Morris; Building Official, Phillip Moore and Town Clerk, Lisa Hricko.

Mayor Newman called the meeting to order. Reverend Price gave the invocation, and Council member Reid led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

Mr. Alan Deithric and Mr. Dave Patterson addressed Town Council. They spoke of their desire for the construction of athletic fields. They said the community needs soccer, football and lacrosse fields. They spoke of their affiliation with the area traveling soccer league and the popularity of the program that is now reaching nine communities. They identified the Town property located off of Haynes Street as a possible location, and felt that six athletic fields are needed. They talked about the positive economic impact hosting a tournament could have on a community. They briefly spoke of the Powhatan Area National Guard's Engineering Division's possible interest in building the fields. Mr. Spates spoke in support of the concept, but expressed reservations with the property on Haynes Street as a possible location. He said most of that property is located in a flood plain and is zoned residential. He voiced concerns with traffic congestion in a residential area. He stressed the importance of selecting a proper location and spoke of two parcels of land that the Town owns by the Field of Dreams. Council expressed an interest in the concept, but needed more details before embracing the project. They had questions regarding the number and type of fields needed. They asked about concession stands, bathroom facilities, ample parking, etc. Council suggested that Mr. Deithric and Mr. Patterson meet with Mr. Spates to discuss the matter. They encouraged them to prepare a summary of the general idea in order for Town Council to have a clearer understanding of what was being requested.

APPROVAL OF MINUTES

On motion by Mr. Reid, seconded by Mr. Overton, and with Council members Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting “aye”, and Council member Whitus “abstaining”, stating he was not present at the meeting, the minutes of the June 8, 2011 regular Council meeting were approved, as previously presented to each Council member.

On motion by Dr. Gordon, seconded by Mr. Reid, and with Council members Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, and Council member Whitus “abstaining”, stating he was not present at the meeting, the minutes of the June 16, 2011 reconvened Council meeting were approved, as previously presented to each Council member.

On motion by Mr. Reid, seconded by Mrs. Thompson, 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 regular July 6, 2011 work session were approved, as presented to each Council member.

REQUEST APPROVAL OF TREASURER’S REPORT

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

REQUEST APPROVAL OF PAYMENT OF THE JUNE 2011 BILLS

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, 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 departmental monthly reports:

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

REQUEST RESCINDING AND ENACTING TOWN ORDINANCE SEC. 6-5 SCHEDULE OF FEES – BUILDING PERMITS

On motion by Mr. Whitus, seconded by Mrs. Thompson, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting “aye”, Council rescinded Town Code Sec. 6-5. Schedule of fees – Building permits and enacted Town Code Sec. 6-5 Schedule of fees – Building permits as proposed by Farmville’s Building Official, Phillip Moore.

Ordinance #142
Chapter 6 Buildings
Article I. General

Sec. 6-5. Schedule of fees--Building permits.

The following fees for building permits are hereby levied in accordance with and by the authority of the Code of Virginia 1950, as amended. No permit shall be issued until the fees prescribed herein are paid, nor shall any amendment to a permit be granted until the additional fee, if any, has been paid. Any person who fails to obtain a permit before commencing work shall be punishable under section 6-8. Any fees required by this schedule shall be paid at the time application is made. The fees shall be affixed at the following rates:

(1) Residential: New construction & structural renovations – 1&2 Family dwellings

Single Family Dwellings: (Total Footprint) \$75.00 Base Fee + \$0.20 /sq. ft.

Renovations-(Total Renovated Space) \$75.00 Base Fee + \$0.20/sq.ft.
Structural Only

Non-structural renovations that do not involve adding, removing, or changing any structural member of the building:

Base Fee and Trade permits

Mobile/Modular Homes \$75 + \$0.15/sq. ft.

Separate Plumbing, Electric and HVAC \$75.00 each

Garages & Additions: \$50.00 Base Fee + \$0.15/sq. ft.

Porches, sheds & Decks .15/sq.ft. (\$50 minimum)

Demolition:

Residential Accessory Structure	\$50.00
Residential Homes	\$75.00

Commercial or Industrial buildings \$125.00

Swimming Pools:

In-ground pools \$125.00
Above Ground pools \$75.00

(2) Commercial: New Construction and structural renovations: \$150.00 Base Fee + \$0.25/sq. ft.

Non-structural renovations that do not involve adding, removing, or changing any structural member of the building:

Base Fee + Trade Permits

Separate Plumbing, Electric and HVAC etc. \$150.00 each

Commercial Accessory Structure \$150.00 + \$0.25 /sq. ft.

(3) Other Inspections:

Electric Upgrade or Change Service \$75.00

Re-inspection fee \$30.00 – after 2nd failure

Signs \$75.00

Moving Building or Structure \$150.00

Plan Review \$200.00

Certificate of Occupancy for existing buildings – amending or transfer of a permit - \$50

The Commonwealth of Virginia imposes a 2% levy which will be assessed to all building permit fees.

Request for refund, 80% of permit cost. The refund must be requested in writing within 6 months of the application date or within 6 months of the issue date, where no inspections have been performed.

A public hearing was held this evening and the Town has received no comments on this matter.

REQUEST APPROVAL OF 2011 – 2012 TOWN COUNCIL MEETING SCHEDULE

On motion by Mr. Hunter, seconded by Mr. Pairet, and with all Council members voting “aye”, Council approved the 2011 – 2012 Town Council meeting schedule, as presented.

APPOINTMENT OF STANDING COMMITTEES

On substitute motion by Dr. Gordon, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council agreed to approve the 2011–2012 Farmville Town Council Standing Committees, with the exception of the Budget Committee and Ethics Committee. Members also agreed to develop a protocol to take the place of the Ethics Committee. The approved Standing Committees are as follows:

Town Council 2011 – 2012 Standing Committees:

Finance and Ordinance: Mr. Reid, Mr. Overton, and Mr. Whitus

Water & Sewer: Mr. Whitus, Mr. Overton and Dr. Gordon

Police, Fire and Safety: Mr. Overton, Mr. Hunter and Mrs. Thompson

Town Property: Mr. Pairet, Mrs. Thompson, and Mr. Reid

Streets: Mr. Overton, Mrs. Thompson and Mr. Pairet

Personnel: Mr. Hunter, Mr. Pairet and Dr. Gordon

Town Planning Commission: Dr. Gordon

Town – University: Mr. Pairet and Mrs. Thompson

Recreation Committee: Mrs. Thompson, Mr. Hunter and Mr. Reid

Enterprise Zone Committee: Mr. Whitus and Mr. Pairet

Library Committee: Mrs. Thompson and Mr. Hunter

Voluntary Boundary Adjustment: Mr. Overton and Mr. Reid

A motion was made by Mrs. Thompson, and seconded by Mr. Reid, to approve the Standing Committees, with the exception of the Ethics Committee. Mrs. Thompson stated her objections of an Ethics Committee. She said that a Council member takes an Oath of Office stating that they will follow the Code of Virginia, to include the Conflict of Interest Act, the Town Charter and Town ordinances. She said she opposed granting three members of Town Council authorization to investigate an accusation of unethical behavior or misconduct of another Council member. Mrs. Thompson stated those accusations should be addressed by the Commonwealth Attorney’s Office. Mr. Reid spoke in support of dissolving the Ethics Committee. He reminded members of a recent Virginia Municipal League Conference which discussed Ethic Committees. A point of information was made stating that at Council’s July work session members also supported dissolving the Budget Committee.

Mrs. Thompson amended her motion to approve the Standing Committees, excluding the Ethics Committee and the Budget Committee. The motion was seconded by Mr. Reid. Dr. Gordon said he had no issue with dissolving the Ethics Committee; however, based on past

Council experiences, he did have concerns with not having a protocol established to deal with behavior that sounds offensive and embarrassing to Council. Conversations continued. In conclusion members supported establishing a protocol for Town Council.

PROTOCOL COMMITTEE

On motion by Dr. Gordon, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council established a Protocol Committee and appointed Dr. Gordon, Mr. Hunter and Mr. Reid as members. The special committee has been delegated the task of drafting an ethics protocol for Town Council. Town Attorney, Don Blessing asked to be included in the meetings.

2011 – 2012 TOWN APPOINTMENTS

On motion by Mr. Whitus, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council reappointed Gerald J. Spates as Farmville’s Town Manager.

On motion by Mr. Whitus, seconded by Dr. Gordon, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council reappointed Douglas Mooney as Farmville’s Chief of Police.

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council reappointed Carol Anne Seal as Farmville’s Town Treasurer.

On motion by Mr. Whitus, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting “aye”, Council reappointed Donald C. Blessing as Farmville’s Town Attorney.

APPOINTMENT OF FIRE MARSHALS

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting “aye”, Council reappointed Tim McKay and Ben Sears as Farmville’s Fire Marshals.

Mr. Spates said Building Official, Phillip Moore is working towards obtaining his certification as a Fire Marshal.

APPOINTMENT OF ACTING FIRE CHIEF

On motion by Mr. Hunter, seconded by Mrs. Thompson and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting “aye”,

Council supported the Town Manager's appointment of Ben Sears as Farmville's Acting Fire Chief.

REAPPOINTMENT TO THE FARMVILLE INDUSTRIAL DEVELOPMENT AUTHORITY

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council recommended that the Circuit Court of Prince Edward County reappoint Jack Houghton as a representative on the Farmville Industrial Development Authority. Mr. Houghton's new term will run through February 28, 2014.

REAPPOINTMENT TO THE FARMVILLE PLANNING COMMISSION AND THE BOARD OF ZONING APPEALS

On motion by Mr. Whitus, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council reappointed Lloyd McKay to the Farmville Planning Commission and recommended that the Circuit Court of Prince Edward County reappoint him to the Farmville Board of Zoning Appeals. Mr. McKay's new term on the Planning Commission will run through August 31, 2017. His term on the Board of Zoning Appeals will run concurrent with his term on the Planning Commission.

REQUEST USE OF RIVERSIDE PARK

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with all Council members voting "aye", Council granted a request on behalf of New Life Assembly of God for the use of Riverside Park on Saturday, October 1 and Sunday, October 2, 2011.

Mr. Spates said this is an annual event for the church. They will be required to pay the fee and complete the application process.

REQUEST FOR A PARTIAL BUSINESS LICENSE REFUND

On motion by Mr. Hunter, seconded by Mr. Pairet, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid, and Gordon voting "aye", Council granted a partial 2011 business license refund of \$244.96 to Ester May Boutique.

REQUEST ORDINANCE AMENDMENTS TO CHAPTER 2 ADMINISTRATION

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Overton, Reid and Gordon voting "aye",

Council rescinded, amended and/or adopted the following Town ordinances, as presented to Town Council.

Ordinance #143
Chapter 2 Administration

Article IV. Personnel
Division 1. Generally

AMEND -

Sec. 2-67. Personal days off annual leave policy.

(a) The personal days off annual leave policy set out in this section shall be applicable to all full-time town employees. Full-time employees are those hired for an indefinite period of time and are regularly scheduled for thirty-eight (38) or more hours per week.

(b) Personal days off annual leave shall be accumulated at the rate of six (6) hours per two-week pay period during the first year of employment. After one (1) year has been completed, personal days off annual leave shall be earned at the rate of eight (8) hours per two-week pay period completed. After ten (10) years have been completed, annual leave shall be earned at the rate of ten (10) hours per two-week pay period completed. Annual leave shall normally be used on a whole day basis. Department heads may grant annual leave on an hour per hour basis in emergencies. Vacations may be taken only with the approval of the department heads who shall have the responsibility of scheduling annual leave. The maximum carryover of annual leave shall be nine hundred and sixty hours at the end of the last full two-week pay period in the calendar year. When an employee exceeds 960 hours of leave, he/she will be paid at 50% of the hours in excess of the 960, multiplied by the current hourly rate. This will be paid annually on the last payday in December. If called to work during his period of annual leave, an employee shall be paid at a rate of one and one-half (1 1/2) times his regular hourly rate of pay in addition to his annual leave.

RESCIND -

Sec. 2-68. Sick leave.

AMEND -

Sec. 2-69. Full Part-time employee benefits.

(a) Employees that work a minimum of twenty (20) hours per week will be entitled to one-half the personal days off benefits accrued by full-time employees.

(b) No other benefits will apply to part-time employees.

(Code 1973, § 2-18)

RESCIND: Sec. 2-70. Holidays

ENACT -

Sec. 2-70. Holidays

(a) The following holidays shall be granted:

- (1) New Year's Eve, December 31
- (2) New Year's Day January 1
- (3) Lee-Jackson Day, the Friday before the third Monday in January
- (4) Martin Luther King birthday observance, the third Monday in January
- (5) President's Day, the third Monday in February
- (6) Easter Monday, the Monday immediately following Easter Sunday
- (7) Memorial Day, the last Monday in May
- (8) Independence Day, July 4
- (9) Labor Day, the first Monday in September
- (10) Columbus Day, the second Monday in October
- (11) Veterans Day, November 11
- (12) Thanksgiving holidays, the fourth Thursday and Friday in November
- (13) Christmas Eve and Christmas Day, December 24 and December 25

(b) If a holiday falls on a Saturday, the preceding Friday shall be observed; if the holiday falls on a Sunday, the following Monday shall be observed. An employee who works on a holiday shall be paid for the holiday and for working at one and one-half (1 1/2) times his regular hourly rate if he works a total of forty (40) hours that week. Excused absences (such as personal annual leave) are counted as working time. None of the above shall apply to personnel working on a shift basis.

Mr. Spates reminded Council that they had previously amended the employee personnel policies regarding vacation and sick leave, along with the employee holiday schedule; but the Town ordinances were not amended. The changes will bring the ordinances in compliance with the Town's personnel policies.

Conversations returned to the employee holiday schedule and the procedures for requesting additional time off for days that are not included in the holiday schedule. In conclusion, it was agreed that any request for additional holiday time off would be brought before Council for approval.

CODE OF ETHICS POLICY

On motion by Dr. Gordon, seconded by Mr. Hunter, and with all Council members voting "aye", Council continued the matter pending recommendations from the Protocol Committee.

REQUEST ADOPTION OF ROBERT'S RULE OF ORDER FOR MEETING PROTOCOL

On motion by Dr. Gordon, seconded by Mrs. Thompson, and with all Council members voting "aye", Council agreed to follow Robert's Rule of Order for meeting protocol.

POLICIES AND PROCEDURES FOR THE NEW FARMERS MARKET

On motion by Dr. Gordon, seconded by Mr. Hunter, and with all Council members voting “aye”, Council directed the Property Committee to draft rules for the use of the new Farmers Market and parking lot area and bring their recommendations back to Council.

REQUEST FOR A PARADE PERMIT ON BEHALF OF LONGWOOD UNIVERSITY

On motion by Mrs. Thompson, seconded Mr. Reid, and with all Council members voting “aye”, Council granted a request for a parade permit on behalf of Longwood University Office of First Year Experience.

The event is scheduled for 6:15 pm on Sunday, August 21, 2011, beginning at Willet Hall on Longwood campus. Chief Mooney said he has been coordinating the event with Longwood University and foresees no issues.

REQUEST FOR LETTER OF SUPPORT ON BEHALF OF THE ROBERT RUSSA MOTON MUSEUM

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with all Council members voting “aye”, Council approved the Robert Russa Moton Museum’s request for a letter of support for their application to the Virginia Tobacco Indemnification and Community Revitalization Commission for Special Project grant funding. The Museum is requesting funding in the amount of \$1,600,000.

MATTERS REFERRED TO THE FINANCE AND ORDINANCE COMMITTEE

Mr. Spates said the Town Treasurer’s Office has a policy on the collection of bad checks. He suggested the Town adopt an ordinance and recommended the matter be referred to the Finance and Ordinance Committee.

Dr. Gordon recommended the Finance and Ordinance Committee discuss establishing procedures for auditing businesses and restaurants to determine if the proper amount of BPOL and meals tax is being reported.

TOWN MANAGER AND DEPARTMENT HEAD VERBAL UPDATES:

Mr. Spates provided a verbal update and/or report on various town projects and activities. Mentioned were:

- Overtime Report
- Streetscape II Project
- Milnwood Road Project
- Parking Meter Report

Farmers Market Update

Green Front Furniture's purchase of a styrofoam compression machine

Congratulated Town Clerk, Lisa Hricko received her Master Municipal Clerk certification

Chief Mooney provided a departmental update. He spoke briefly on the 2011 Farmville Police Department Annual Statistics Report and the National Night Out event on August 2, 2011.

There being no other business, the meeting adjourned at 8:11 pm.

Mayor S. C. Newman, Jr.

Lisa M. Hricko, Clerk