

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON AUGUST 10, 2011

At the regular meeting of the Farmville Town Council held on Wednesday, August 10, 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, O.S. Overton, A.D. Reid, and E.I. Gordon. Council member T.M. Pairet was absent.

Staff 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; and Town Clerk, Lisa Hricko.

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

PRINCE EDWARD FARMVILLE YOUTH ASSOCIATION

On behalf of the Town of Farmville and Farmville Town Council, Mayor Newman and Town Manager, Gerald Spates congratulated the players, coaches, parents and grandparents of the Prince Edward Farmville Youth Association Minor All-Star District V Champions and the Coach Pitch team for their outstanding performance in this year's state baseball tournament held in Botetourt County. The Coach Pitch team also competed in the Dixie Youth Regional World Series held in South Carolina. In congratulating the player, Mr. Spates spoke of the many trophies at the Field of Dreams and suggested the Town display them in the lobby of the Town Hall.

PUBLIC COMMENT PERIOD

Mayor Newman announced the public comment period. No one present wished to address Council.

REQUEST APPROVAL OF MINUTES OF THE JULY 13, 2011 REGULAR COUNCIL MEETING

On motion by Mrs. Thompson, seconded by Mr. Reid, and with all Council members voting "aye", the minutes of the July 13, 2011 regular Council meeting were approved, as previously presented to each Council member.

REQUEST APPROVAL OF MINUTES OF THE AUGUST 3, 2011 REGULAR WORK SESSION MEETING

On motion by Mr. Reid, seconded by Dr. Gordon, and with Council members Whitus, Overton, Reid and Gordon voting “aye”, and Council member Thompson “abstaining”, stating she was absent from the meeting, the minutes of the August 3, 2011 regular work session meeting were approved, as previously presented to each Council member.

REQUEST APPROVAL OF TREASURER’S REPORT

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

REQUEST APPROVAL OF PAYMENT OF THE JULY 2011 BILLS

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

(Bills Printed in Minute Book)

DEPARTMENTAL MONTHLY REPORTS – INFORMATION ONLY

Members received copies of the following departmental monthly reports:

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

PROPOSED M-1 ZONING DISTRICT MAP AMENDMENTS

On motion by Mr. Whitus, seconded by Mrs. Thompson, and with all Council members voting “aye”, the proposed M-1 zoning district map amendments were continued until the September 14, 2011 Council meeting.

Mr. Spates said due to an oversight in the advertisement of the public hearing announcement he recommended that Town Council continue this matter and re-advertise the public hearing notice.

PROPOSED TOWN ORDINANCE SEC. 2-5 FEE FOR RETURNED CHECKS

On motion by Dr. Gordon, seconded by Mr. Whitus, and with all Council members voting “aye”, Council authorized advertisement of a public hearing at the September Council meeting for the proposed Town ordinance **Sec. 2-5 Fee for returned checks.**

At the July meeting, this matter was referred to the Finance and Ordinance Committee for their recommendations. The Committee met and approved a draft ordinance, after review by the Town Attorney.

Additional conversations took place regarding establishing procedures to determine if businesses were recording the correct gross receipts when reporting their Business, Professional, and Occupational Sales Tax. Mr. Spates said the Town Treasurer is contacting other localities regarding this matter, and will present a report at the September Council meeting.

RECOMMENDATION FROM PROTOCOL COMMITTEE REGARDING TOWN COUNCIL'S CODE OF ETHICS POLICY

On motion by Dr. Gordon, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting “aye”, Council followed the recommendation of the Protocol Committee and agreed to not readopt the policy, “*Code of Ethics for Members of Farmville Town Council*”.

At the July meeting, a Protocol Committee was established to determine if the “*Code of Ethics for Members of Farmville Town Council*”, should be readopted by its members. The Committee recommended that the policy not be readopted and suggested that Council consider appointing a parliamentarian. They said their decision was based on Council having the necessary tools in place to address an allegation of unethical behavior as a group.

REQUEST ESTABLISHING A POLICY REGARDING THE HANDLING OF NON-DOMESTIC ANIMALS

On motion by Mr. Whitus, seconded by M. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting “aye”, Council agreed to a adopt a policy drafted by the Town Manager for responding to complaints of non-domestic animal calls in the Town.

Discussions took place on this matter. The policy is to state that when a call is received regarding a non-domestic animal (example skunk, snake, squirrel, etc.) the caller is to be informed that the Town’s Animal Control Officer does not respond to non-domestic animal calls UNLESS the animal is acting abnormally or endangering a human. The contact information of individuals that have agreed to respond to non-domestic animal complaints is to be provided. The caller is to be informed that any cost associated with this service is the responsibility of the caller.

Mr. Spates asked Council to consider the policy saying that the Town does not have personnel trained to handle non-domestic animals and feared that an employee may be injured.

REQUEST AUTHORIZATION OF PAYMENTS FROM THE NARCOTIC'S FUND

On motion by Mr. Reid, seconded by Dr. Gordon, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting "aye", Council authorized the Town Treasurer to make the following payments from the Narcotic's Fund: Tractor Supply payment of \$129.97, Galls payment of \$65.11 and Law Enforcement Associates payment of \$175.00.

REQUEST REFUND OF PARTIAL PAYMENT OF 2011 BUSINESS LICENSE ON BEHALF OF PAUL HICKS, JR., DDS

On motion by Mrs. Thompson, seconded by Mr. Whitus, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting "aye", Council authorized the Town Treasurer to issue a partial 2011 business license refund of \$2,038.50 to Paul P. Hicks Jr., DDS.

Dr. Hicks is retiring his practice and will be working for Dr. Johnson. Mr. Spates said the Town Treasurer has verified that Dr. Johnson has purchased a business license.

REQUEST ADOPTION OF TOWN EMPLOYEE POLICY – "BULLY-FREE WORKPLACE"

On motion by Mr. Reid, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon "aye", Council approved the adoption of an employee policy titled "Bully-free Workplace", as presented by the Town Manager.

All Town supervisors and employees have attended a training session presented by the Virginia Municipal League on bullying in the workplace. Mr. Spates said VML has encouraged the Town to adopt an employee policy dealing with this matter.

REQUEST APPOINTMENT OF PARLIAMENTARIAN

On motion by Dr. Gordon, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting "aye", Council supported the recommendation of the Protocol Committee and appointed Town Clerk, Lisa Hricko as parliamentarian.

Many public bodies appoint a parliamentarian to serve at their meetings. The Protocol Committee supported this concept and recommended the Town Clerk after reviewing Robert's Rules of Order, Newly Revised which states a parliamentarian should not be a member of the governing body, speak in debate or vote.

REQUEST AUTHORIZATION FOR MAYOR NEWMAN TO SIGN PROCLAMATION FOR GOOD NEIGHBOR DAY

On motion by Mr. Whitus, seconded by Mr. Hunter, and with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting "aye", Council unanimously supported Mayor Newman signing the "Good Neighbor Day" proclamation.

Good Neighbor Day will be celebrated this year on Wednesday, September 7.

REQUEST ON BEHALF OF THE ROBERT RUSSA MOTON MUSEUM FOR THE TOWN TO PURCHASE A TABLE AT THE MUSEUM'S COMMUNITY BANQUET

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with all Council members voting "aye", Council approved the request on behalf of the Robert Russa Moton Museum for the Town to purchase a table (eight seats) at the Museum's community banquet being held on Thursday, October 13, 2011.

REZONING REQUEST ON BEHALF OF MR. PETER BUZZETTA AND MRS. SHERRY HONEYCUTT

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with all Council members voting "aye", Council referred a rezoning request on behalf of Mr. Peter Buzzetta and Mrs. Sherry Honeycutt to the Farmville Planning Commission for their recommendation to Council.

The property owners are requesting that their two properties located on Milnwood Road (023A13A-43 and 023A13A-43A) be rezoned from Residential District R-1 to Business District B-4.

Mr. Spates said a prior rezoning request for this property was previously denied. Mrs. Honeycutt has submitted the necessary paperwork and paid the application fee.

REQUEST FOR ZONING AMENDMENT TO SEC.29-312. USES (28)

On motion by Mr. Hunter, seconded by Mr. Reid, and with all Council members voting "aye", Council referred the proposed ordinance amendment **Sec. 29-312 Uses (28)** to the Farmville Planning Commission and authorized advertisement of a joint Public Hearing.

In order to be in compliance with ICE protocol, Mr. Spates said it is necessary to amend the language in Town ordinance **Sec. 29-312 Uses (28)**. He said currently the ordinance reads *(28) Private or public detention or holding facilities for adult immigrant Level 1 detainees, with a conditional use permit*. The proposed amendment reads *(28) Private or public detention or holding facilities for adult immigrant detainees, with a conditional use permit*. Mr. Spates said there will be no change in the operation of the facility; it will continue to be a detention and holding facility for adult immigrants.

ADDITIONAL LABOR DAY HOLIDAY EMPLOYEE TIME OFF

On motion by Dr. Gordon, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Overton, Reid, and Gordon voting “aye”, Council supported Dr. Gordon’s recommendation and granted an additional half day holiday for Town employees on Friday, September 2, 2011 in honor of Labor Day.

INFORMATION ONLY – THE HEART OF VIRGINIA FREE CLINIC

Mr. Spates reported that Ms. Pat Payne with The Heart of Virginia Free Clinic has submitted a Business Zoning form. It states the clinic’s intent to operate a free primary medical care facility at 201 N. Main Street, Farmville. The clinic will see patients from Farmville and the surrounding counties who do not have medical insurance because of their inability to pay. It will be staffed by medical volunteers and will see patients in the evenings from 5:00 pm through 10:00 pm. The property is zoned Business District B-1 and the proposed clinic meets the Business District B-1 zoning ordinance as a professional and public office use. The question arose, if this request would be referred to the Farmville Planning Commission for their recommendation to Town Council. Mr. Spates said if that was Council desire. It was said that as the Town’s Zoning Administrator, it is Mr. Spates’ determination. No additional comments were made.

INFORMATION ONLY – CONSULTANT REPORT TO THE CENTRAL REGIONAL LIBRARY BOARD

For informational purposes, members were provided copies of the consultant report commissioned by the Board of the Central Virginia Regional Library. The report provides a comprehensive organizational analysis and assessment of the CVRL, with particular focus on its governance and staffing structure.

INFORMATION ONLY – DISCLAIMER FORM FOR TOWN PROPERTY RENTALS

Mr. Spates informed Council that applications for rental of Town facilities will now include a disclaimer form stating the applicant understands that the Town of Farmville will not be held responsible for any disruptions of their event, beyond the Town's control. He said that the Town Attorney has reviewed the form.

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

Mr. Spates presented slides of the Farmer Market. He updated Council on the Market and discussed parking issues. He provided a verbal update on the Streetscape II and Milnwood Road projects. Members also received a copy of the employee overtime report. Chief Mooney reported on Farmville's National Night Out and spoke on the Police Department's new identification badge system.

FARMVILLE TOWN COUNCIL MEMBERS INQUIRED OR COMMENTED ON THE FOLLOWING:

Mr. Hunter said that he had recently attended the Virginia Municipal League General Law Committee meeting and would be sharing those handouts with members.

There being no other business, the meeting adjourned at 7:56 pm.

Mayor S.C. Newman, Jr.

Lisa M. Hricko, Clerk