

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON SEPTEMBER 14, 2011

At the regular meeting of the Farmville Town Council held on Wednesday, September 14, 2011, at 7:00 pm in the Council Chambers 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, A.D. Reid, and E.I. Gordon. Council member O.S. Overton 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. Mr. Whitus gave the invocation, and Mr. Reid led the Pledge of Allegiance.

The Town Manager then welcomed Longwood Professor, Dr. Lettner-Rust and the students from her English 400 class.

PUBLIC COMMENT PERIOD

Longwood University student, Ms. Emily Engelking addressed Town Council. Ms. Engelking thanked Council members for attending this evening's dinner sponsored by students of Dr. Lettner-Rust English 400 class. She said the students are looking forward to building community relationships.

Farmers Market vendor, Mr. Sam Goin addressed Town Council. Mr. Goin praised Council for Farmville's new Farmers Market, and said he looks forward to its opening.

REQUEST APPROVAL OF MINUTES OF THE AUGUST 10, 2011 REGULAR COUNCIL MEETING

On motion by Mr. Reid, seconded by Dr. Gordon, and with all Council members voting "aye", the minutes of the August 10, 2011 regular Council meeting were approved, as previously presented to each Council member.

REQUEST APPROVAL OF THE MINUTES OF THE SEPTEMBER 7, 2011 REGULAR WORK SESSION

On motion by Mr. Whitus, seconded by Mr. Pairet, and with all Council members voting "aye", the minutes of the September 7, 2011 regular Council work session were approved, as previously presented to each Council member.

REQUEST APPROVAL OF TREASURER'S REPORT

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

REQUEST APPROVAL OF PAYMENT OF THE AUGUST 2011 BILLS

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

(Bills Printed in Minute Book)

The Town Manager asked Council to set aside the agenda in order to hear from the Farmville Planning Commission. Council supported his request.

REQUEST TO REZONE A LARGE PORTION OF THE M-1 ZONING DISTRICT ALONG THE APPOMATTOX RIVER

On motion by Mrs. Thompson, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting "aye", Council supported the recommendation of the Farmville Planning Commission and agreed to rezone the majority of the M-1 District along the Appomattox River to Residential District R-2, Business District B-2 and Business District B-3 as presented to the public, with the exception of the property at 1 Mill Street. At the property owner's request, the property at 1 Mill Street is to be rezoned to Business District B-2 instead of Business District B-3, as proposed.

Farmville Town Council and the Farmville Planning Commission held a joint public hearing this evening. No one present spoke in opposition to the proposed rezoning. Immediately following the public hearing, a Farmville Planning Commission meeting was held. Commission members unanimously agreed to recommend Town Council rezone the property as advertised except for the property at 1 Mill Street. Mr. Spates said he had spoken with the property owner and he was requesting that his property be rezoned Business District B-2 instead of the proposed Business District B-3. Vice Chairman, Samuel Wilson, Jr. presented the Commission's recommendation to Council.

REQUEST AMENDMENT TO TOWN ORDINANCE SEC.29-312 USES. (28)

On motion by Mr. Whitus, seconded by Mr. Hunter, and with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon, voting "aye", Council supported the

recommendation of the Farmville Planning Commission and agreed to amend Town Ordinance Sec. 29-312 Uses (28) as follows:

Ordinance #145

Chapter 29
Zoning
DIVISION 11. BUSINESS DISTRICT B-3

Sec. 29-312. Uses.

(28) Private or public detention or holding facilities for adult immigrant detainees, with a conditional use permit.

Farmville Town Council and the Farmville Planning Commission held a joint public hearing this evening. No one present spoke in opposition to the proposed zoning amendment. Immediately following the public hearing, a Farmville Planning Commission meeting was held. Commission members unanimously agreed to recommend Town Council amend Town Ordinance Sec. 29-312. Uses, as advertised.

REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF EDGAR JONES

On motion by Mr. Hunter, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council agreed to follow the recommendation of the Farmville Planning Commission and granted a conditional use permit to Mr. Edgar Jones to construct a State Farm Agency at the corner of Milnwood and South Main Street. This property is zoned Business District B-4 and allows for professional offices with a conditional use permit.

Mr. Spates said the Farmville Planning Commission has discussed this request and recommends Town Council grant the conditional use permit.

REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF BOJANGLES

On motion by Mr. Hunter, seconded by Mr. Reid, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council followed the recommendation of the Farmville Planning Commission and granted a conditional use permit to PW Food, LLC to operate a Bojangles – Quick Service Restaurant at 1501 South Main Street with the following stipulations:

1. A site plan must be submitted.
2. Landscaping plans must be submitted and approved by the Town Manager.

This property is zoned Business District B-4 and allows for restaurants with a conditional use permit.

Mr. Spates informed Council that the Farmville Planning Commission recommended Council grant the conditional use permit with three (3) stipulations. The Commission recommended a site plan and landscaping plan be submitted for approval by the Town Manager and the third stipulation was needing to know the y also wanted to know the hours of operation. Mr. Spates said staff has spoken with representatives of PW Food, LLC and the hours of operation will be from 5:30 am through 10:30 pm seven days a week.

DEPARTMENTAL MONTHLY REPORT – INFORMATION ONLY

Members received copies of the following monthly staff reports:

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

Mr. Spates said the reports are for informational purposes – there is not action required by Council.

NEW FARMERS MARKET UPDATE

Council had referred the task of establishing guidelines for use of the new Farmers Market to the Property Committee. Due to scheduling conflicts, the Property Committee has not met. Mr. Spates provided an update on the facility. He said the building is complete and the parking space blocks are on order. He said that the community has expressed much interest in the facility. Discussions took place. Council identified the primary use of the facility is as a “Farmers Market” on Saturdays. They anxiously await the recommendations from the Property Committee.

REQUEST ENACTING TOWN ORDINANCE SEC. 2-5 FEE FOR RETURN CHECKS

On motion by Mr. Whitus, seconded by Mrs. Thompson, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council enacted Town ordinance Sec. 2-5 Fee for returned checks, as follows:

Ordinance #144

Chapter 2

ADMINISTRATION
Article 1. In General

Sec. 2-5 Fee for returned checks.

Pursuant to the provisions of the Code of Virginia, § 15.2-106, and any and all future amendments, reenactments, modification or recodifications thereof as may from time to time occur, the town shall charge a \$50.00 fee to the drawer of any check, draft or order for payment of taxes or any other sum due the town, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft or order by the drawer.

The State Code allows a locality to charge up to \$50.00 for a returned check. This ordinance has been reviewed by the Finance and Ordinance Committee and the Town Attorney both recommend its adoption.

REQUEST FOR REFUND OF REZONING APPLICATION FEE

On motion by Mr. Hunter, seconded by Mrs. Thompson, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid and Gordon voting “aye”, Council followed the recommendation of the Farmville Planning Commission and authorized the refund of the rezoning application fee of \$500.00 to Mrs. Sherry Honeycutt.

Mrs. Honeycutt and Mr. Buzzetta requested that their two parcels of land on Milnwood Road be rezoned from Residential District R-1 to Business District B-4. At the August Council meeting, this matter was referred to the Farmville Planning Commission. The Commission recommends that Mrs. Honeycutt withdraw the rezoning request until a use for the properties has been identified. Commission members also supported refunding Mrs. Honeycutt the entire application fee since the Town had expended no costs associated with this request. Mrs. Honeycutt has submitted a letter withdrawing the rezoning request.

VERBAL UPDATE ON BPOL TAX AUDITS

Mr. Spates shared with Council the information he had received regarding outside accounting firms providing BPOL tax auditing services to the Town of Farmville. He said the VA Supreme Court ruled that under the privacy provisions of the VA Code Section 58.1-3 the State prohibits releasing such information to a private contract. There was no further discussion on the matter.

**REQUEST APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE ROBERT
RUSSA MOTON MUSEUM BOARD**

On motion by Mr. Whitus, seconded by Mr. Hunter, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council reappointed Mrs. Sally Thompson to the Robert Russa Moton Museum Board.

Mrs. Thompson will be representing Farmville Town Council. Her term will run through December 31, 2012.

**REQUEST AMENDMENT TO TOWN ORDINANCE SEC. 6-5. SCHEDULE OF FEES (3)
OTHER INSPECTIONS**

On motion by Mr. Hunter, seconded by Mr. Pairet, and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council followed the recommendation of the Town Manager and moved to amend Town ordinance Sec. 6-5 Building permits (3) Other Inspections as follows:

Ordinance #146

**Chapter 6
Buildings**

Article I. General

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

(3) Other Inspections:

Signs

- a. Non-illuminated flush mounted wall signs \$45.00
- b. All other signs \$75.00

Mr. Spates spoke in favor of amending the sign fees in order to bring the fees in line with the inspection requirements.

**REQUEST ADOPTION OF PROCLAMATION FOR NATIONAL SURGICAL
TECHNOLOGIST WEEK**

On motion by Mr. Whitus, seconded by Mr. Reid, and with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council adopted the following resolution proclaiming the week of September 18 – 24, 2011 as National Surgical Technologist Week:

Proclamation

WHEREAS, the Association of Surgical Technologists was officially created as a nonprofit educational association in 1969 with the support of the Association of periOperative Registered Nurses, the American College of Surgeons, and the American Hospital Association; and

WHEREAS, the Association's foremost goal centers around ensuring that surgical technologists, through accredited surgical technology programs, certification and continuing education requirements, continue to administer the highest quality care to the surgical patient; and

WHEREAS, the surgical technology profession has grown to meet the continuing demand for well-educated, highly skilled, and versatile individuals to work with surgeons and other skilled professionals to deliver the highest possible level of patient care; and

WHEREAS, surgical technologists are integral members of the surgical team, working closely with the surgeon, and in alliance with the registered nurse, delivering direct patient care and ensuring patient safety before and during the operative procedure; and

WHEREAS, surgical technologists are entrusted with the lives and well-being of patients and provide a critical service during surgical procedures; and

WHEREAS, surgical technologists are skilled professionals uniquely prepared for, and proud of their role on, surgical teams in hospitals across the country and in Virginia where an estimated 2150 surgical technologists, of the nearly 80,000 surgical technologists nationally, are employed; and

WHEREAS, surgical technologists are responsible for the application of sterile and aseptic technique in the operating room, ensuring that equipment functions properly and facilitating safe and effective conduct during invasive surgical procedures; and

WHEREAS, the Joint Commission's Annual Report on Quality and Safety of 2007 reported that surgical site infections were the second most common hospital-acquired infections in the United States; and

WHEREAS, surgical technologists strive to prevent life-threatening surgical site infections and maximize patient safety; and

WHEREAS, Certified Surgical Technologists graduate from an accredited program and receive certification conferred by the National Board of Surgical Technology and Surgical Assisting based upon passage of the national examination; and

WHEREAS, the surgical technologist's motto "Aegar Primo, The patient First" reflects total commitment to patient safety and advocacy;

The people of the Town of Farmville are honored to join with our nation in recognizing National Surgical Technologist Week. **NOW, THEREFORE, I** Sydnor C. Newman, Jr., Mayor of the Farmville, Virginia, do hereby proclaim the third week of September 2011 as

Surgical Technologist Week

Farmville Virginia, and I and urge all my fellow citizens to join me in acknowledging the important role of surgical technologists on the care and recovery of their patients. We honor these men and women whose diligence and professionalism keep residents of Farmville Virginia safe and healthy.

REQUEST ADOPTION OF REVISED “PROCUREMENT POLICY FOR THE TOWN OF FARMVILLE”

On motion by Mr. Hunter, seconded by Mr. Pairet and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid, and Gordon voting “aye”, Council followed the recommendation of the Town Manager and amended the Town’s procurement policy.

Mr. Spates informed Council that the Town’s procurement policy had not been updated since 1988. The revised policy mirrors the Virginia Procurement Act except on purchasing thresholds. The Town places more restrictions on what the Act identifies as “small purchases”.

REQUEST FOR DETERMINATION OF ALLEY USE BEHIND THE 400 BLOCK OF FOURTH AVE AND THE 200 BLOCK OF FAYETTE STREET

On motion by Dr. Gordon, seconded by Mr. Hunter, and with all Council members voting “aye”, Council referred the matter of a blocked alley located behind the 400 block of Fourth Ave and the 200 block of Fayette Street to the Property Committee.

Staff received a report of a blocked alleyway. Upon further investigation, it was determined that the property owner of 409 Fourth Ave had erected a metal shed in the alleyway and the property owner at the corner of Fayette Street had placed a driveway across the alleyway. The Town Manager asked for direction from Town Council on how they wished for him to proceed. Discussions took place on possible options. In conclusion, Council agreed to refer this matter to the Property Committee for further investigation.

REQUEST APPOINTMENT OF TITLE VI EQUAL OPPORTUNITY COUNSELOR

On motion by Mr. Whitus, seconded by Mrs. Thompson and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Reid and Gordon voting “aye”, Council appointed Town Clerk, Lisa Hricko as the Title VI Equal Opportunity Counselor for the Town of Farmville.

REQUEST ADOPTION OF PROCLAMATION PROCLAIMING MONDAY, OCTOBER 24, 2011 AS “FOOD DAY”

On motion by Mrs. Thompson, seconded by Mr. Whitus and with all Council members voting “aye”, Council adopted the following proclamation proclaiming Monday, October 24, 2011 as “Food Day”:

FOOD DAY PROCLAMATION

WHEREAS, the health and well-being of our citizens is of primary concern for the Town of Farmville; and

WHEREAS, reducing obesity and diet-related diseases by promoting safe and healthy diets is a critical factor in improving citizens’ overall health; and

WHEREAS, supporting sustainable family farms and local agriculture benefits the local economy; and

WHEREAS, obtaining fair pay and safe conditions for food and farm workers is beneficial for both the producer and consumer so that the food we produce and consume is safe and fair for all; and

WHEREAS, expanding access to food and ending hunger is of critical importance to aid those who live in food deserts; and

WHEREAS, curbing junk-food marketing aimed at children is of vitally important in order to combat rising obesity rates and raise a generation of healthy children; and

WHEREAS, protecting the environment and farm animals is necessary to sustain future generations;

NOW, THEREFORE, I, Sydnor C. Newman, Jr., Mayor of the beautiful Town of Farmville, do hereby proclaim Monday, October 24, 2011 as

FOOD DAY

in the Town of Farmville, and I urge all citizens to participate in the activities planned hereforth.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Seal of the Town of Farmville, this 14 day of September, 2011.

Mr. Spates reported that the Southside Virginia Chapter of the Holistic Moms Network has asked Council to adopt a resolution proclaiming October 24, 2011 as “Food Day”. Food Day will bring attention to the issues of obesity, supporting sustainable farming and making real food available to everyone.

REQUEST FOR PARTIAL STREET CLOSURE

On motion by Mr. Reid, seconded by Mr. Pairet and with all Council members voting “aye”, Council followed the recommendation of the Town Manager and granted a partial street

closure on Hill Street from the 700 to 800 block on Saturday, September 17, 2011, from 12:00 pm through 5:00 pm for the annual Farmville All Stars Reunion.

TOWN OF FARMVILLE EMPLOYEE – PERSONAL DAYS OFF POLICY

On motion by Mr. Hunter, seconded by Mr. Reid, and with Council members Whitus, Hunter, Thompson, Pairet, Reid and Gordon voting “aye”, Council agreed to forward Mr. Spates’ request to amend the employee Personal Days Off policy reimbursement percentage from 50 percent to 75 percent to the Personnel Committee.

Mr. Spates asked Council to consider amending the employee Personal Days Off policy. Currently the policy states that when an employee exceeds 960 hours of personal days off annually, he/she will be paid at 50% of the hours in excess of the 960, multiplied by the current hourly rate. Mr. Spates asked Council to increase the percentage to 75%. Prior to this evening’s Council meeting, Mr. Spates met with the Finance and Ordinance Committee. Due to conflicts two members of the Committee stated they would be abstaining. The third member was not present at the Council meeting. Mayor Newman called for a motion to increase the percentage. Council made no motion but did support further discussion of this matter and agreed to forward the request to the Personnel Committee.

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

Mr. Spates spoke on the following projects:

- New Farmers Market
- Milnwood Road project
- Streetscape II
- Parking Meter Tally, report provided
- ICA Housing, report provided
- Employee Overtime, report provided

FARMVILLE TOWN COUNCIL MEMBERS INQUIRED OR COMMENTED ON THE FOLLOWING:

Council members thanked Longwood University Professor, Dr. Lettner-Rust and students of her English 400 class for hosting this evening’s dinner. They said they enjoyed the opportunity to meet with the students and look forward to building community relationships.

There being no other business, the meeting was recessed until 12:00 pm on Wednesday, October 21, 2011 at Settle Hall, Hampden-Sydney College.

Mayor S.C. Newman, Jr.

Lisa M. Hricko, Clerk