

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD MAY 14, 2014

At the regular meeting of the Farmville Town Council held on Wednesday, May 14, 2014 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, J.J. Davis, A.D. Reid and E.I. Gordon.

Staff present was 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, followed by the Pledge of Allegiance led by Vice-Mayor Reid.

PUBLIC COMMENT PERIOD

Ms. Jennifer Cox, Longwood University's Associate Director of Off-Campus Living provided an update on various University matters, including freshmen orientation beginning May 28, 2014. She said the University has received approximately 1,100 freshmen deposits.

Mr. Greg Cole, newly elected Council member for Ward A addressed Town Council. Mr. Cole thanked Mayor Newman for his long standing years of service to the Town and wished him much happiness and joy, as he retires from public service. He thanked Dr. Gordon, Ward A Council member, for his 8 years of service and said he is very appreciative of Dr. Gordon's expression of confidence in him to fill the Ward A Council seat. Mr. Cole said he looks forward with excitement and anticipation to join Town Council on July 1st. He hopes his professional experiences and God given talents will only enhance the exceptional talents and experiences that are represented on Council. Mr. Cole said he looks forward to working with Council to serve the community.

Mr. Morgan Dunnivant addressed Town Council. He is a pilot and member of Town Council's Airport Hangar Committee. Mr. Dunnivant congratulated the victors in the recent Town Council election held on May 6th. He asked Council to move forward with scheduling Airport Advisory Committee meetings to discuss opportunities for the Farmville Regional Airport. Mr. Dunnivant extended an invitation to Town Council to fly with him or one of the other pilots at the airport, to visit airports in the vicinity to look at each airport's activity.

The Town Manager asked that the agenda be set aside in order to go into closed session to discuss legal matters.

CLOSED SESSION – LEGAL CONSULTATION, SECTION 2.2-3711.A.7 OF THE CODE OF VIRGINIA

On motion by Dr. Gordon, seconded by Mr. Whitus and with all Council members voting “aye”, Council went into closed session under *Section 2.2-3711.A.7 of the Code of Virginia* for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining 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. Reid and with all Council 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: 7 “Ayes”

MOTION: Gordon

SECOND: Whitus

AYES: Whitus, Hunter, Thompson, Pairet, Davis, Reid and Gordon

NOES: None

ABSENT DURING VOTE: 0

ABSENT DURING MEETING: 0

Clerk

REQUEST APPROVAL OF THE MINUTES OF THE APRIL 9, 2014 REGULAR COUNCIL MEETING

On motion by Mrs. Thompson, seconded by Mr. Davis and with Council members Whitus, Thompson, Pairet, Davis and Reid voting “aye”, and Council members Hunter and Gordon “abstaining”, stating they were not present at the meeting, the minutes of the April 9, 2014 regular Council meeting were approved, as presented.

REQUEST APPROVAL OF THE MINUTES OF THE MAY 7, 2014 REGULAR WORK SESSION MEETING

On motion by Mr. Pairet, seconded by Mr. Hunter and with all Council members voting “aye”, the minutes of the May 7, 2014 regular work session meeting were approved, as presented.

REQUEST APPROVAL OF TREASURER’S REPORT

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

REQUEST APPROVAL OF PAYMENT OF THE BILLS

On motion by Mrs. Thompson, seconded by Mr. Hunter and with a recorded vote with Council members Whitus, Hunter, Thompson, Davis, Reid and Gordon voting “aye”, payment of the bills were approved, as presented.

REQUEST AUTHORIZATION OF PAYMENT FROM NARCOTIC’S FUND

On motion by Mr. Davis, seconded by Mr. Reid and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Davis, Reid and Gordon voting “aye”, the request by the Town Treasurer to use \$167.00 from the Narcotic’s Fund to pay towards the purchase of a police vehicle, approved at the December 11, 2013 Council meeting, was approved.

BACKGROUND: At the December 11th Council meeting, Council approved the purchase of a police vehicle for \$22,000 from the Narcotic’s Fund. The vehicle cost \$22,167.00. The Town Treasurer requested an additional \$167.00 from the Narcotic’s Fund.

STAFF REPORTS – INFORMATION ONLY

Members received copies of the following staff reports:

- Building Official’s Report;
- Property Inspector’s Report;

- Recreation Department's Report;
- Parking Meter Tally;
- Sanitation and Recycling Report;
- Golf Course Report

BACKGROUND: The Town Manager provided a brief overview of the monthly staff reports. Members commented on the overgrown grass issues and inquired on the status of several condemned houses.

TOWN MANAGER'S REPORT

The Town Manager addressed the following matters:

RE: The River Walk - Members discussed scheduling a time to tour the River Walk project being undertaken by Mr. Richard Cralle, owner of Green Front Furniture. The River Walk trail begins behind Charley's Waterfront Café and Green Front Furniture and runs along the Appomattox River. Mr. Spates said he has visited the site and viewed the plans and is very excited about the project.

RE: Voluntary Boundary Adjustment – No new information.

RE: Heart of Virginia fireworks - Council supported Mr. Spates' recommendation of not rescheduling Heart of Virginia fireworks that were rained out on May 3. The July 3rd fireworks will go on as planned.

RE: Virginia Department of Transportation – Mr. Spates has contacted VDOT regarding the present traffic count. He expressed concerns with the count being done when Longwood University and Hampden-Sydney College students are not in session. Students make up half the Town's population. The report will be inaccurate and not give a true reading of the traffic count. A traffic report is used by potential businesses when determining location.

RE: Mottley Lake and Luck Stone – the Department of Mines, Minerals and Energy has requested additional information from Luck Stone before a public hearing can be scheduled.

RE: Thermopave issues – this matter is being handled by the Town Attorney. Mr. Blessing said the contract requires arbitration. He said all participants have been notified that the Town is requesting a meeting to discuss the Town's concern.

RE: Bump Outs – the contractor will be here in two weeks to remove bump outs.

RE: Longwood University Street Agreement – anticipates having the Street Agreement resolved in a couple of months.

RE: New Horizon Community Action Partnership – located on Main Street, in the old federal building. The Farmville Area Rescue Mission has submitted a building permit application to use the basement as a temporary homeless shelter. If the application meets Code, the Mission will need to request a zoning permit.

REQUEST FOR A PUBLIC HEARING ON THE PROPOSED 2014-2015 TOWN BUDGET

On motion by Mr. Hunter, seconded by Mr. Whitus and with all Council members voting “aye”, the recommendation by the Town Manager to advertise for a public hearing on the proposed 2014-2015 Town budget was approved. The hearing will be held at 7:00 pm on Wednesday, May 28, 2014 in the Council Chamber of the Town Hall.

BACKGROUND: The proposed budget was amended to include the Osborn Road project (curb, gutter and sidewalk). Mr. Spates said \$65,000 has been taken from the contingency fund and moved to the general fund. The total proposed budget of \$16,775,193.51 did not change.

REQUEST TO USE THE COMMUNITY MARKETPLACE PARKING LOT

This matter was removed from the agenda.

BACKGROUND: Mr. Gene Southall with the Heart of Virginia Classic Auto Club withdrew their request to use the Community Marketplace parking lot.

REQUEST PARTIAL BUSINESS LICENSE REFUND ON BEHALF OF DOWDY FURNITURE, LLC

On motion by Mr. Davis, seconded by Mrs. Thompson and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Davis, Reid and Gordon voting “aye”, the recommendation by the Town Treasurer to issue a partial business license refund of \$228.64 to Dowdy Furniture, LLC, providing their 2014 business personal property tax is paid, was approved.

BACKGROUND: Mr. Jerry Dowdy submitted a letter requesting a partial business license refund to the Town Treasurer stating his business, Jerry’s Discount Mattresses located at 219 East Third Street closed as of April 24, 2014.

REQUEST ADOPTION OF TOWN ORDINANCE #168 AMENDING SECTION 2-67 PERSONAL DAYS OFF ANNUAL LEAVE POLICY AND SECTION 2-71 RESIGNATION

On motion by Mr. Pairet, seconded by Mrs. Thompson and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Davis, Reid and Gordon voting “aye”, the recommendation by the Budget Committee to amend the Town Code *Section 2-67 Employee’s*

personal days off/annual leave policy and Town Code Section 2-71 Resignation was approved. The amendment passed as follows:

Ordinance #168

Chapter 2

ADMINISTRATION

Article IV. Personnel

Division 1. Generally

AMEND:

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

- (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 carry-over of annual leave shall be ~~one thousand forty (1040)~~ *four hundred eighty (480)* hours at the end of the last full two-week pay period in the calendar year. ~~When an employee exceeds one thousand forty (1040) hours of leave, he/she will be paid at seventy five (75) percent of the hours in excess of the one thousand forty (1040) hours, multiplied by the current hourly rate. This will be paid annually on the last payday in December.~~ If called to work during his/her period of annual leave, an employee shall be paid at a rate of one and one-half (1½) times his regular hourly rate of pay in addition to his annual leave.

AMEND:

Sec. 2-71. Resignation.

An employee may leave the employment of the town voluntarily by submitting, in writing, his notice to the town management not less than fourteen (14) days before the effective date of his resignation. With the approval of the town manager and department head, the employee may withdraw his resignation unless the position has been filled. To receive *75 %* compensation for any annual leave ~~or compensatory leave not yet taken~~, an employee shall give two (2) weeks' notice of his resignation. Failure to give two (2) weeks' notice will be noted on the employee's records.

BACKGROUND: Due to the financial liability to the Town, the Budget Committee has recommended following the suggestion of the Virginia Municipal League and decrease the amount of hours an employee is allowed to annually carry-over from 1040 to 480 hours, per calendar year. In addition, the Committee has recommended the Town no longer pay employees 75% of their annual personal leave hours in excess of the maximum carry-over. Mr. Spates said he has met with all Town employees and discussed this change. This amendment goes into effect for all new hires. Existing employees with over 480 hours of personal leave will be paid 75% of those hours in excess of 480, as funds become available.

REQUEST USE OF RIVERSIDE PARK ON BEHALF OF THE FARMVILLE ROTARY CLUB

On motion by Mr. Whitus, seconded by Mr. Hunter and with all Council members voting “aye”, the recommendation by the Town Manager to approve the application for use of Riverside Park, on behalf of the Rotary Club of Farmville, on Saturday, September 13, 2104, was approved. The Rotary Club is planning a craft beer tasting with live music fundraising charity event.

BACKGROUND: Mr. Spates said “craft beer tasting” is increasing in popularity and he feels the event will be well attended. Chief Mooney anticipates no issues with the event.

REQUEST PARTIAL BUSINESS LICENSE REFUND ON BEHALF OF FARMVILLE AUTO PARTS, LLC

On motion by Mr. Davis, seconded by Mr. Pairet and with a recorded vote with Council members Whitus, Hunter, Thompson, Pairet, Davis, Reid and Gordon voting “aye”, the request by the Town Treasurer to issue a partial business license refund of \$1,361.12 to Farmville Auto Parts, LLC, providing their 2014 business personal property tax is paid, was approved.

BACKGROUND: Farmville Auto Parts, LLC located at 516 East Third Street, Farmville sold their business on April 26, 2014 to Fisher Auto Parts. Mr. Robert Huskey Jr., owner of Farmville Auto Parts, LLC has requested a partial refund of the business license.

AT-LARGE COUNSEL SEAT VACANCY

Town Attorney Donald Blessing addressed Counsel on the At-Large Council seat that will be vacant when David Whitus becomes Mayor on July 1, 2014. Mr. Blessing said no action can be taken by Council until the At-Large seat is vacant. He referenced three State Code sections: *Section 24.2-226 Election to fill vacancy*; *Section 24.2-227 Interim appointment by*

court until vacancy filled by election for certain offices and Section 24.2-228 Interim appointment to local governing body or elected school board; mayor

Mr. Blessing said Council will need to determine:

- If Council will be appointing someone to fill the remaining term of the At-Large seat and filing a petition with the Circuit Court of Prince Edward County within 15 days of the vacancy; or
- If Council will be petitioning the Circuit Court of Prince Edward County to select an individual to fill the unexpired term of the At-Large seat; and
- Council will need to petition the Circuit Court of Prince Edward County to hold an election;

Mr. Blessing said there are various deadlines that must be met and encouraged members discuss their options prior to July 1, 2014.

THE TOWN MANAGER AND/OR STAFF PROVIDED A VERBAL REPORT ON THE FOLLOWING MATTERS:

Members received copies of the following reports:

- Monthly Employee Overtime Report;
- Monthly ICA Housing Report – Mr. Spates informed members that the ICA facility has received approval to house an addition 65 detainees, bringing their capacity to 1,000
- The Water Tank Project should be finishing up the middle to end of June;
- Paving will begin Tuesday on Second Street
- Chief Mooney provided a brief overview of the Police Department’s monthly Incident Based Reporting.

There being no other business, the meeting adjourned.

APPROVED:

ATTEST:

S.C. Newman, Jr., Mayor

Lisa M. Hricko, Clerk

