

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD JULY 9, 2014

At the regular meeting of the Farmville Town Council held on Wednesday, July 9, 2014 at 7:00 pm, in the Council Chamber of the Town Hall located at 116 North Main Street, Farmville, Virginia, there present were Mayor D.E. Whitus, presiding and Council members D.L. Hunter, S.B. Thompson, T.M. Pairet, A.D. Reid, J.J. Davis and G.C. Cole.

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 Whitus called the meeting to order. Reverend Price gave the invocation, followed by a moment of silence in honor Prince Edward County Board of Supervisor, Pete Campbell who passed away on July 8, 2014. The Pledge of Allegiance was then led by Vice Mayor Reid.

PUBLIC COMMENT PERIOD

Mayor Whitus opened the public comment period.

Mr. Jake Milne and Ms. Sharon Menegoni addressed Council on the community's interest for an off-leash dog park. Mr. Milne said a group has created a facebook page "*Farmville Virginia Needs A Community Dog Park*"; the site has received over 200 "likes". Mr. Milne identified four of the most prevalent reasons for a dog park as noted by the American Kennel Club:

1. Allows dogs to exercise – play areas for exercise make dogs better-adjusted neighbors;
2. Encourages responsible pet ownership – dog parks prevent off-leash animals from infringing on the rights of other community residents and park users;
3. Provides an opportunity for dogs and their owners to socialize – dog parks are a great way for owners to meet other people with a common interest;
4. Promotes community health and safety – well-exercised dogs are better neighbors who are less likely to create a nuisance, bark excessively and destroy property.

They spoke of their desire to build the park and design it to have a separate area for small dogs. Mr. Milne said the group will raise the funds and build the park; they asking for the Town's support in donating the one to two acres of land, as recommended by the American Kennel Club.

Mr. Spates too spoke of community's interest in a dog park. He spoke of meeting with an Eagle Scout who is designing a dog park as his Eagle Badge project. He also said that an individual has told him that he would donate \$10,000 to be used towards a dog park. Mr. Spates suggested consideration be given to the Wilck's Lake property. The question of liability was raised. Ms. Menegoni said the Code of Virginia has a no fault clause under recreation. If the Town identifies the dog park as a recreational facility and adopts Town ordinances as the Code states – it should be covered. Mayor Whitus suggested the matter of a dog park be referred to committee for further investigation.

Ms. Jennifer Cox, Longwood University Director of Commuter Life updated Council on student move-in dates.

REQUEST APPROVAL OF THE MINUTES OF THE JUNE 11, 2014 REGULAR COUNCIL MEETING

On motion by Mr. Reid, seconded by Mr. Hunter and with all Council members voting “aye”, the minutes of the June 11, 2014 regular Council meeting were approved, as presented.

REQUEST APPROVAL OF THE MINUTES OF THE JULY 2, 2014 REGULAR WORK SESSION MEETING

On motion by Mr. Pairet, seconded by Mr. Reid and with all Council members voting “aye”, the minutes of the July 2, 2014 regular work session meeting were approved, as presented.

REQUEST APPROVAL OF TREASURER'S REPORT

On motion by Mr. Hunter, seconded by Mrs. Thompson and with all Council members voting “aye”, the Treasurer's Report was approved, as presented.

REQUEST APPROVAL OF PAYMENT OF THE BILLS

On motion by Mr. Pairet, seconded by Mr. Reid and with all Council members voting “aye”, payment of the bills was approved, as amended.

(BILLS PRINTED IN MINUTE BOOK)

STAFF REPORTS – INFORMATION ONLY

Members received copies of the following monthly staff reports:

- Building Official's Report;
- Property Inspector's Report
- Recreation Department's Report;
- Golf and Pool Report

BACKGROUND: The Town Manager provided an overview of the monthly staff reports.

TOWN MANAGER'S REPORT

The Town Manager updated Council on the following matters:

RE: Thermopave Issues – The architect, the contractor and the product installer are working to come up with a solution to get the problem rectified.

RE: Waterline Project – Proceeding as expected. Members were shown sections of waterline pipes from recent breaks. The Town Manager and Director of Public Works updated Council on the waterline project mentioning the WTP's capabilities to produce water faster, operate the Plant less hours and equal pressure throughout town.

RE: Osborn Road – Spoke with Mr. Poulston of Poulston Appliance regarding his concerns with the possibility of additional storm water runoff when the Town moves forward with sidewalk, curb and gutter on one side of Osborn Road. Poulston Appliance lies in a low lying area and has had issues in the past. Mr. Spates said he does not foresee the project adding to Mr. Poulston's business flooding issues. The Town has contacted an engineering firm to work with the Will Nash, the Town's Surveyor in calculating the drainage. He said letters have been sent to all Osborn Road residents, asking for their comments on the installation of sidewalk, curb and gutter.

REQUEST AUTHORIZATION TO BEGIN REPAIRS/RENOVATIONS TO THE FIREMEN'S SPORTS ARENA

On motion by Mr. Hunter, seconded by Mrs. Thompson and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", the recommendation by the Recreation Committee to proceed with the first phase of the repairs/renovations to the Firemen's Sports Arena was approved.

The Town Manager received authorization to get prices and begin repairs/installation to the following: repair/replace roof, replace ceiling tiles, install parking lot lights, replace canopy and install sidewalk.

BACKGROUND: The Town received a \$75,000 grant from Centra, \$22,000 from the sale of timber and \$50,000 from an insurance claim. The Recreation Committee toured the facility on Monday, June 16th and has recommended Council move forward with renovations. The projected cost of the first phase is approximately \$100,000. The Town also received an additional grant

from the Virginia Department of Emergency Management for a generator power hook up supply, so the facility may be used as a shelter during emergency incidents.

AT-LARGE COUNCIL SEAT VACANCY

On motion by Mr. Pairet, seconded by Mrs. Thompson and with all Council members voting “aye”, Town Attorney, Donald C. Blessing was directed to petition the Circuit Court of Prince Edward County requesting the issuance of a Writ of Election to fill the vacancy of the At-Large seat created by the election of David E. Whitus as Mayor. Council requested the special election take place on August 19, 2014, August 26, 2014 or September 9, 2014 with preference given to the earliest possible date.

On motion by Mrs. Thompson, seconded by Mr. Pairet and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, Pamela W. Butler was appointed to fill the At-Large seat vacated by Mayor Whitus, until a special election can be held.

BACKGROUND: In May, Mr. Whitus was elected Mayor, taking office on July 1, 2014. On July 1ST, his At-large seat became vacant for the remaining two years of his term. The Code of Virginia requires towns to appoint someone to fill the remaining term of the At-Large seat and file a petition with the Circuit Court of Prince Edward County within 45 days of the vacancy; or petition the Circuit Court of Prince Edward County to select an individual to fill the unexpired term of the At-Large seat.

During discussions, members said as elected officials, it was their responsibility to fill the seat until the special election. Council stressed their desire to fill the At-large seat with someone qualified and capable and that the person appointed by Council would not seek the seat in the special election. Mr. Pairet and Mrs. Thompson reported that they had spoken with Ms. Butler and she is willing to serve, until the special election. Mrs. Thompson said Ms. Butler has said she will not be seeking the seat.

Town Attorney Donald Blessing provided Council with an overview of the process for those candidates seeking the At-large seat.

APPOINTMENT OF VICE MAYOR/PRESIDENT OF COUNCIL

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

member Reid was reappointed as Vice Mayor/President of Council. His term runs for two (2) years, expiring on June 30, 2016.

BACKGROUND: Mr. Reid has served as Vice Mayor/President of Council since July of 2008, and has asked for Council's support in his reappointment.

APPOINT MEMBERS TO STANDING COMMITTEES

This matter was continued.

BACKGROUND: Mayor Whitus presented members with his standing committee recommendations and spoke briefly about each committee's function. The standing committees are as follows:

Finance and Ordinance – prepare annual operating and capital budget; review monthly income and expense along with budget variance; review long term debt structure and review new and existing town ordinances.

Public Safety – police, fire and rescue; meet periodically with Police Chief, Fire Chief and R/S Captain; in conjunction with Town Manager, ascertain ways to promote public safety;

Town Assets & Resources – combination of streets, property and water and sewer committees; all town assets and resources exclusive of liquid assets (finance); periodically review all assets and resources for proper usefulness.

Community Development and Marketing – Town's economic development and marketing arm; Farmer's Market, Recreation programs; seek ways to expand town's economic base; seek ways to market town's resources.

Personnel – human resources; salary and employee benefit structure.

Mayor Whitus said he had spoken with Council members on their committee preferences and tried to match their preferences with their talents and abilities, he then presented Council with his standing committee appointment recommendations. He explained that he had talked to Mr. Reid and proposed that the Vice Mayor serve in the same committee status as the Mayor, being an ex-officio member (non-voting member) of all committees; yet the Vice Mayor would still vote at Council meetings. Mayor Whitus said this evening he was informed by Mr. Reid of his desire to serve as a voting member on the standing committees and of his preference of being Chair of the Personnel Committee. Subsequently, Council tabled the standing committees and the appointments until Mayor Whitus can amend his recommendations to include Mr. Reid.

REQUEST APPOINTMENT OF PRESIDENT OF THE FARMVILLE VOLUNTEER FIRE DEPARTMENT

On motion by Mr. Pairet, seconded by Mrs. Thompson and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, Donald L. Hunter was appointed as President of the Farmville Volunteer Fire Department.

BACKGROUND: Council appoints a member of its governing body to serve as President of the Farmville Volunteer Fire Department. The individual attends all meetings and is afforded the same benefits as a volunteer fire fighter. Mr. Spates said in the past Mayor Newman has served in that capacity.

MARKETPLACE COMMITTEE AND AIRPORT HANGAR COMMITTEE

Mayor Whitus said the Marketplace Committee and the Airport Hangar Committee will fall under the Community Development and Market standing committee.

REQUEST AUTHORIZATION TO ADVERTISE THE 2014 – 2015 REGULAR MEETING DATES

On motion by Mr. Davis, seconded by Mr. Hunter and with all Council members voting “aye”, the request to advertise the 2014-2015 regular Council meeting dates was approved, as presented.

REQUEST COUNCIL’S SUPPORT IN THE APPOINTMENT OF FIRE CHIEF OF FARMVILLE VOLUNTEER FIRE DEPARTMENT

On motion by Mr. Hunter, seconded by Mr. Davis and with all Council members voting “aye”, the Town Manager’s appointment of Andrew Goss as Fire Chief of the Farmville Volunteer Fire Department was supported by Town Council.

BACKGROUND: Annually, the Town Manager appoints the Town’s Fire Chief. Mr. Spates said Chief Goss served as Fire Chief this past year and the Department has asked that he be reappointed.

REQUEST APPOINTMENT OF PHILLIP MOORE AS FARMVILLE’S FIRE MARSHAL

On motion by Mr. Pairet, seconded by Mrs. Thompson and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the recommendation by the Town Manager to reappoint Phillip Moore as Fire Marshal for the Town of Farmville was approved.

BACKGROUND: The appointment of the Fire Marshal is an annual appointment. Mr. Spates said Mr. Moore is a Certified State Fire Marshal and has served as Farmville’s Fire Marshal for several years.

REQUEST ANNUAL APPOINTMENTS

On motion by Mr. Pairet, seconded by Mr. Reid and with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the following annual appointments were approved: Town Manager, Gerald Spates; Town Attorney, Donald Blessing; Town Treasurer, Carol Anne Seal; Chief of Police, Douglas Mooney; Building Official, Phillip Moore and Town Clerk and Equal Opportunity Counselor, Lisa Hricko.

REQUEST ADOPTION OF ROBERT’S RULES OF ORDER FOR MEETING PROTOCOL

On motion by Mrs. Thompson, seconded by Mr. Hunter and with all Council members voting “aye”, the recommendation to adopt Robert’s Rules of Order as Town Council’s parliamentary procedures was approved.

REQUEST ADOPTION OF SECTION 46.2-1313 OF THE CODE OF VIRGINIA, AS AMENDED

On motion by Mr. Hunter, seconded by Mrs. Thompson and with a recorded vote Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the recommendation by the Town Attorney to adopt Section 46.2-1313 of the Code of Virginia, as amended, was approved.

BACKGROUND: Town Attorney, Donald Blessing informed Council that by adopting **Section 46.2-1313 of the Code of Virginia** it allows the Town to reference the State Code in its collection of fines for non-criminal offenses. He said the amendments to the Code section no longer make this an annual requirement.

REQUEST ADOPTION OF RESOLUTION OF RESPECT IN RECOGNITION OF SYDNOR C. NEWMAN, JR.

On motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the Resolution of Respect in Recognition of Sydnor C. Newman, Jr., was adopted as presented.

**RESOLUTION
OF RESPECT
IN RECOGNITION OF
SYDNOR C. NEWMAN, JR.**

WHEREAS, Sydnor C. “Syd” Newman, Jr. has honorably served the citizens of the Town of Farmville as a Council member and Mayor for over thirty eight years; and

WHEREAS, Mayor Newman has served the community unselfishly with enthusiasm, integrity, professionalism; and

WHEREAS, his personal commitment to the Farmville Regional Airport “Newman Field” has been instrumental in the enhancement and development of the Airport and its economic impact on the community; and

WHEREAS, by his leadership and guidance the Town of Farmville has grown and prospered; and

WHEREAS, Mayor Newman has earned the respect of the citizens of Farmville for his integrity, honor and values.

THEREFORE BE IT RESOLVED, that the Council for the Town of Farmville does hereby convey its high regard to a dedicated public servant for his true devotion and commitment to the Town of Farmville.

BE IT FURTHER RESOLVED, a copy of this Resolution of Respect is made part of the permanent records for the Town of Farmville and be printed in The Farmville Herald.

CERTIFICATION

At a regularly scheduled meeting of the Farmville Town Council held on the 9th day of July 2014 this resolution was adopted by a vote of __ to __

APPROVED:

ATTEST:

David E. Whitus, Mayor

Lisa M. Hricko, Clerk

REQUEST USE OF RIVERSIDE PARK ON BEHALF OF NEW LIFE ASSEMBLY OF GOD

On motion by Mr. Pairet, seconded by Mrs. Thompson and with all Council members voting “aye”, the request on behalf of New Life Assembly of God for the use of Riverside Park on July 12, 2014 from 8:00 am until 4:00 pm for an outreach backpack handout was approved.

BACKGROUND: New Life Assembly of God has held this community event in the past and spoke in support of Council granting the request.

REQUEST ADOPTION OF RESOLUTION APPROVING THE AMENDED CHARTER AGREEMENT OF THE CENTRAL VIRGINIA CRIMINAL JUSTICE ACADEMY

On motion by Mr. Davis, seconded by Mrs. Thompson and with all Council members voting “aye” the request by the Board of Directors of the Central Virginia Criminal Justice Academy to adopt the resolution approving the amended Charter Agreement of the Criminal Justice Academy was approved.

BACKGROUND: The Charter Agreement is a document required by the Code of Virginia. It sets forth the aims, policies, rules and procedures agreed upon by the participating localities and criminal justice agencies. The current Agreement dates from the creation of the Academy in 1975 and amended in 1990. The Board feels the current Agreement no longer adequately addressed the operational and management needs of the Academy. The recommended amendments are designed to more accurately define the policies, rules and procedures in keeping with the present and future needs of the Academy.

REQUEST ON BEHALF OF THE FARMVILLE DOWNTOWN PARTNERSHIP TO CLOSE SIDEWALK AND PARKING SPACES IN THE 100 BLOCK OF MAIN STREET

On motion by Mr. Pairet, seconded by Mr. Hunter and with all Council members voting “aye”, the request by Ms. Helen Person, Director of the Farmville Downtown Partnership to block off a portion of the sidewalk and parking spaces in the 100 block of Main Street on Saturday, July 12 and Sunday, July 13 of 2014 was approved.

BACKGROUND: Mrs. Helen Person addressed Council on the project. Farmville Downtown Partnership received a \$1,200 local grant from Lowe’s Home Improvement located in Farmville. The grant and volunteer assistance from Lowe’s employees will assist some of the downtown property owners/business owners to clean and paint their cast iron storefronts. The businesses at 117, 119A, 119B, 125 and 142 North Main will be closed while work is underway on their storefronts. 115 North Main is in use for storage; no business is active at that location. To protect the public and the volunteers, they are requesting closure of the sidewalks at 115 North Main to 127 North Main, excluding Wells Fargo Bank. Mrs. Person said the Town will have no liability; all volunteers will sign accident waiver forms.

INFORMATIONAL – HEART OF VIRGINIA FREE CLINIC

The Town Manager shared with Council a letter he received from Ms. Pat Payne on behalf of the Heart of Virginia Free Clinic. The clinic is requesting assistance in finding a new location. The space they are currently located in (201 North Main Street) will soon be rented to another tenant. Ms. Payne also shared the June 2014 Clinic Report which provided the number of patients seen and medicines provided.

APPOINTMENT OF COUNCIL'S REPRESENTATIVE ON THE FARMVILLE PLANNING COMMISSION

On motion by Mr. Hunter, seconded by Mrs. Thompson and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", the recommendation to appoint Greg Cole to fill Council's seat on the Farmville Planning Commission was approved. Mr. Cole's term will run concurrent with his seat on Council.

BACKGROUND: The Code of Virginia allows a member of its governing body to serve on its Planning Commission. Dr. Gordon was Council's representative on the Planning Commission and chose to not seek reelection as a Council member of Ward A. Mr. Cole has been a member of the Planning Commission since February 13, 2013 and has agreed to serve as Council's representative, leaving his position on the Planning Commission vacant, with a term expiring on August 31, 2017.

REQUEST AUTHORIZATION TO ADVERTISE FOR LETTERS OF INTEREST TO FILL SEAT ON THE FARMVILLE PLANNING COMMISSION

On motion by Mr. Hunter, seconded by Mr. Pairet and with all Council members voting "aye", the request to advertise for letters of interest for person interested in serving on the Farmville Planning Commission was approved.

TOWN MANAGER'S ANNUAL EVALUATION

Council agreed to discuss the Town Manager's annual evaluation as a group at the August 6, 2014 regular work session meeting.

REQUEST APPROVAL OF MURAL TO BE PAINTED ON THE PRESBYTERIAN CHURCH WAREHOUSE

On motion by Mrs. Thompson, seconded by Mr. Pairet and with all Council members voting "aye", the request on behalf of the Farmville Downtown Partnership to have a mural painted on the side of the warehouse located by the Farmville Community Marketplace was

approved. The warehouse is owned by the Farmville Presbyterian Church and they have given permission to the Farmville Downtown Partnership to have the mural painted.

BACKGROUND: The Town Manager informed members that Council had adopted a policy in 2010 that states “it shall be the policy of the Town of Farmville that any major structural changes that alter the appearance of an existing commercial building be approved by the Town Manager after submission to Town Council. A drawing of the proposed change shall be submitted prior to the building permit being issued.” Mr. Spates said it is his understanding that the Farmville Downtown Partnership is considering two additional murals. He asked Mrs. Persons that those plans be submitted to the Town Office for approval by Council, prior to any work being done.

REQUEST AUTHORIZATION TO PURCHASE SURPLUS EQUIPMENT FROM HENRICO COUNTY

On motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the request to purchase the following surplus equipment from Henrico County was approved: 1999 Ashland Trailer for \$800.00; 2000 GMC S/A Dump Truck for \$9,000; 2003 Sterling S/A Dump Truck for \$10,000 and a 2003 New Holland LB 75B Backhoe for \$16,000.

BACKGROUND: Mr. Spates said the 2014-2015 Town Budget includes the purchase of the requested equipment. The cost from Henrico County is less than the budgeted amount. In addition, it was noted that the Town equipment being taken out of service will be sold at auction, generating Town revenue.

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

Mr. Spates updated or provided a copies of the following reports:

- Members were provided copies of the following monthly reports: Downtown Farmville Report, Employee Overtime Report and ICA Report;
- Members received an updated list of fuel prices from surrounding airports;
- Prince Edward County Board of Supervisors 2014-2015 Town appropriations –
 - \$2,000 Heart of Virginia
 - \$9,500 Farmville Regional Airport
 - \$25,000 Farmville Area Bus

- Letter from Mr. and Mrs. Firth, of 1209 W. Osborn Road in opposition to sidewalks, curbs and gutters being constructed on one side of Osborn Road;
- Copy of the Town's mailbox policy;

Robin Atkins, Director of Public Works informed Council that the bump outs on Main Street will be completed next week.

Douglas Mooney, Chief of Police announced the 5th Annual National Night Out event being held on August 5, 2014. He also informed Council of Captain Wade Stimpson's retirement from the department effective July 3, 2014. Chief Mooney described Captain Stimpson as an outstanding Officer, who has served the Department since December 1997.

COUNCIL MEMBERS COMMENTED ON THE FOLLOWING MATTERS

Mr. Hunter requested additional patrols in several areas throughout town;

Mr. Reid thanked Council for their support in reappointing him as Vice Mayor/President of Council. He said he hoped that Council will have an open honest working relationship.

Mr. Cole thanked Council for their patience as he moves forward in getting up to speed on various matters.

CLOSED SESSION SECTION 2.2-3711.A.7 OF THE CODE OF VIRGINIA (LEGAL)

On motion by Mr. Davis, seconded by Mr. Hunter 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 Longwood University charging parking fees on Town owned streets.

On motion by Mr. Davis, seconded by Mr. Pairet 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: "6 Ayes"

MOTION: Reid

SECOND: Thompson

AYES: Hunter, Thompson, Pairet, Reid, Davis and Cole

NOES: None

ABSENT DURING VOTE: None

ABSENT DURING MEETING: None

Lisa M. Hricko, Clerk

There being no other business, the meeting adjourned at 9:16 pm.

APPROVED:

ATTEST:

Mayor D.E. Whitus, Mayor

Lisa M. Hricko, Clerk