

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON FEBRUARY 11, 2015

At the regular meeting of the Farmville Town Council held on Wednesday, February 11, 2015, 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.E. Dwyer, D.L. Hunter, T.M. Pairet, A.D. Reid, J.J. Davis and G.C. Cole.

Staff present was Town Manager, Gerald Spates; Town Attorney, Andrea Erard; Town Treasurer, Carol Anne Seal; Director of Public Works, Robin Atkins; Acting Chief of Police Andy Ellington; Town Planner, Cindy Morris and Town Clerk, Lisa Hricko.

Mayor Whitus called the meeting to order and welcomed Dr. Heather Lettner-Rust, Associate Professor of English & Modern Language at Longwood University, along with students from her English 400 class and others in attendance. He then welcomed and announced Reverend Thomas Robinson, Pastor of Farmville Presbyterian Church. Reverend Thomas Robinson offered the invocation and the Pledge of Allegiance was led by Vice Mayor Reid.

Mayor Whitus announced the public comment period and reminded speakers to limit their remarks to no longer than three (3) minutes.

Ms. Jennifer Cox, Director of Commuter Life for Longwood University updated Council on University matters:

- The University has confirmed approximately 80 cases of the Norovirus-like symptoms (including faculty, staff and students);
- The number of new students moving off campus as of February 22, 2015 is 350, expected to reach 400 over the next couple of months;
- Spring Break will be the week of March 2 through March 6;
- The Big Event is Saturday, March 28th;
- In order to keep Council informed on University matters, Ms. Cox will be furnishing Council members with copies of The Rotunda (Longwood University's newspaper)

Mr. Gibson Hawk, Longwood University student of Dr. Lettner-Rust English 400 class addressed Council on the proposed motel/hotel. He spoke in support of the project and said what an asset it would be to parents visiting students at the University (Parents Weekend) or those out of town guests that may be attending activities at the University.

Mr. Michael Nash, Law Enforcement Liaison with the Virginia Division of Motor Vehicles addressed Council. He said the Farmville Police Department received two awards for participation in the Click-It or Ticket campaign - the Most Improved Seatbelt Compliance Award and the Highest Usage Seatbelt Award. Mr. Nash said Farmville received the highest usage percentage with a compliance rate of 99 percent, and he contributed the high percent to the Officers and community awareness.

Acting Farmville Police Chief, Andy Ellington introduced the Department's newest Officer, Officer Timothy Holtz.

Council returned to the regular order of business.

REQUEST APPROVAL OF THE CONSENT AGENDA

On motion by Mrs. Thompson, seconded by Mr. Davis and with all Council members voting, "aye", the consent agenda was approved, as submitted. The consent agenda included draft minutes of the January 7, 2015 regular work session, draft minutes of the January 14, 2015 regular Council meeting, the Treasurer's Report and the request that the Circuit Court of Prince Edward County reappoint Mr. William Poulston to the Farmville Industrial Development Authority.

REQUEST AUTHORIZATION TO PAY BILLS

On motion by Mr. Hunter, seconded by Mr. Dwyer and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", the motion to pay the bills was approved, as presented.

TOWN MANAGER'S VERBAL REPORT

The Town Manager presented a power point presentation on various projects. The presentation included information on the following:

- Back-up generator system for the Water Treatment Plant, with an emergency connection switch at the pump station at the Appomattox River. The Town received a \$40,000 grant from the Virginia Department of Emergency Management and the work was done in-house, saving the Town approximately \$60,000. The generator will allow the plant to operate if power is lost;
- Firemen's Sports Arena – update on repairs and renovations to facility;
- Burn Building update – update on grading;
- Dog Park – moving forward with obtaining property;

- Conditional Use Permit to operate a hotel/motel – located at 1913 South Main Street;

Mr. Spates spoke briefly on the following matters:

- Dr. Lettner-Rust has asked that Council members attend a dinner on March 11th where her students and Council members will have the opportunity to interact in small groups. On April 8, prior to the Council meeting adjourning, the students of Dr. Lettner-Rust’s English 400 class will have a mock public meeting with Town Council members to discuss a big-box store coming to Farmville.
- Members were provided a list of all the properties that the Building Official is working on getting repaired or demolished.
- Members received copies of the Farmville Downtown Partnership report; and
- The dates of the First Friday’s event at Riverside Park are May 1st, June 5th, July 10th, August 7th, September 11th, and October 2nd as a rain date.

REQUEST FOR ZONING ORDINANCE TO ADDRESS REBUILDING ON A LOT AFTER RESIDENCE HAS BEEN DEMOLISHED

On motion by Mr. Davis, seconded by Mr. Dwyer and with all Council members voting “aye”, the recommendation by Mayor Whitus that the Asset and Resource Committee draft an ordinance that will allow a property owner to rebuild on a lot after the property owner has demolished the unsafe structure, provided the new structure is same footprint as the structure that has been removed.

BACKGROUND: The Building Official, Phillip Moore is working with several property owners on removing/renovating the unsafe structures on their lots. Mr. Spates said the property owners are hesitant to remove a structure when the Town’s zoning ordinances will not permit the property owner to rebuild because of lot restrictions. He said several localities have ordinances in place that allows the property owner to rebuild on the lot, provided it is on the same footprint of the removed structure.

LEGAL OPINION REGARDING 605 FIRST AVENUE

Council has asked that the Town Attorney determine if the property at 605 First Avenue is in violation of the Town’s zoning ordinance, since the property is being used as a duplex. Town Attorney, Andrea Erard addressed Council with her determination. Current zoning does not permit the use of the Property as a duplex; however, Ms. Erard said the Town Code states that if the property has been continuously used as a duplex, it is a legal nonconforming use and

not in violation of the current zoning. Ms. Erard said from research and information provided by the Town Manager, there does not appear to be anything at this time which suggests that the legal nonconforming use was ever discontinued. Therefore, she concludes that the Property is a legal nonconforming use. Mr. Spates said the Property is a two apartment duplex and three unrelated individuals may live in each apartment. There are currently five students living at 605 First Avenue; there are no zoning violations.

RESIDENTIAL PARKING CONCERNS

Council questioned residential parking. Mr. Spates said in certain residential areas, the Town issues two residential parking passes and two visitor passes per residence; however, 605 First Avenue does have off-street parking area behind the Property.

Mr. Spates provided members with a copy of the Town's ordinance regarding residential parking and a map of the areas. He said there has been a decline in the number of residents purchasing the parking permits. He said he attributes the decline to residents not wanting to pay the \$5.00 permit fee to park on the street and also because the Town no longer issues decals – the money is collected by Prince Edward County on the personal property tax bill, then sent to the Town. Mr. Spates said the Police Department will be monitoring the situation.

Council encouraged residents to call their Council members or the Police Department if they were experiencing any problems with residential parking.

FARMVILLE – PRINCE EDWARD SESQUICENTENNIAL EVENTS

Town Planner, Cindy Morris spoke to Council members regarding the Farmville – Prince Edward Sesquicentennial activities that begin on Saturday, March 28, 2015 and run through 5:00 pm on Sunday, March 29, 2015.

Finance and Ordinance Committee, Chairman Davis, - The Committee will begin the budget process at its March meeting;

Public Safety Committee, Chairman Hunter, - no report, anticipates meeting next month;

Town Asset and Resource Committee, Chairman Pairet, - no report;

Personnel Committee, Chairman Reid, - Mr. Reid said the Committee has been interviewing applicants for the Chief of Police and will be making an announcement later this evening;

Community Development and Marketing Committee, Chairman Thompson and the Town Manager presented the Committee's recommendations on incentives to attract businesses to

locate in town. The Committee has recommended Council grant new commercial developments locating within the enterprise zone, a \$1,000 water tap discount and a \$1,000 sewer tap discount for an 18 month period. Mr. Hunter said at the February work session, Council discussed offering the incentives within the corporate limits of the Town and for both residential and commercial property owners.

Personnel Committee, Chairman Reid, - Mr. Reid said the Committee has been interviewing applicants for the Chief of Police and will be making an announcement later this evening;

INCENTIVE PROGRAM – WATER AND SEWER TAP DISCOUNTS

On motion by Mrs. Thompson, seconded by Mr. Davis and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, Council approved, “the reduction in the water and sewer taps, for a period of the next 18 months, town wide, under such conditions and with the stipulations as generally discussed by Town Council, to be reduced to item by the Town Manager”.

BACKGROUND: Mr. Hunter said it was discussed at work session to include the entire town for the eighteen months and both residential and commercial taps. Mr. Spates said the budget has revenue of \$350,000 in water and sewer taps. The current revenue generated from taps is \$165,000; the two proposed projects would bring in an additional \$80,000 and he sees no issues with offering the incentive program within the corporate limits of the town for both residential and commercial taps.

Members questioned if the adjusted rate would cover the cost of the tap. Mr. Spates said yes; for commercial taps, the developer pays the tap fee, plus actual cost of putting the tap in. Mr. Spates recommended the program require the project to begin within the 18 months. Members questioned if the incentive program would cover residents living in town but were not on town water and sewer – Council agreed that the program would cover in-town residents hooking up to town water and sewer. Various questioned continued Ms. Erard suggested that she and the Town Manager draft the policy and present it to Council at the March meeting. She said it is important that all the details are covered. Conversations continued.

Members questioned if any projects would be impacted by adopting a policy at the March Council meeting. Mr. Spates said it may, and asked if Council could approve the “concept” this evening. He said the incentive program needs to be tied to active projects and not used to

purchase taps at a discounted rate to be used in four or five years. He said the intent of the program is to offer discounts in order to increase the town's tax base. Questions continued on the wording of the policy. Mrs. Erard said the concept could be adopted tonight and the Town Manager could set the project completion details later. She recommended Council "authorize the reduction in the water and sewer taps, for a period of the next 18 months, town wide, under such conditions and with the stipulations as generally discussed by Town Council, to be reduced to item by the Town Manager".

REQUEST TO WIDEN HYLAWN AVENUE

On motion by Mr. Pairet, seconded by Mrs. Thompson and with all Council members voting "aye", Council supported the Asset and Resource Committee's recommendation and agreed that widening or providing another egress to Hylawn Avenue was not feasible at this time.

BACKGROUND: At the January 14, 2015 Council meeting, Mr. Carl Eggleston addressed Council regarding his concerns with Hylawn Avenue. He said with the apartment complex located at the end of the road, the population on Hylawn Avenue has increased. The road is very narrow and may pose problems for emergency vehicles. He asked Council to consider widening the road or adding an additional means to enter/exit the area. He also expressed concerns with the disrepair of the property across the street from his home. These issues were referred to the Asset and Resource Committee.

Mr. Pairet said the Asset and Resource Committee met on January 27th. The Committee looked into the Hylawn Avenue's width and discussed residential street parking. Members also discussed emergency vehicle access on Hylawn Avenue. The Committee agreed to recommend Council take no action at this time on widening or providing another egress on Hylawn Avenue. Members also discussed the dilapidated property on Hylawn Avenue and recommended the Town Manager send letters to the adjacent property owners informing them of the Town's actions in getting the property demolished.

DEVELOP FARMVILLE TOWN COUNCIL'S ASPIRATIONS

Mayor Whitus recommended this matter be addressed at the March 4th regular work session meeting.

REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A MOTEL/HOTEL

On motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, Council granted Francis Hospitality, Inc. a conditional use permit to construct a motel/hotel at 1913 South Main Street. The property is zoned business district B-4 and allows for motel/hotel with a conditional use permit. The project’s proposed height is four stories/55 feet in height.

BACKGROUND: Francis Hospitality, Inc has applied for a conditional use permit to construct a motel/hotel at 1913 South Main. A motel/hotel is an allowed use in a business district B-4 zone. A business district B-4 zone has a height restriction of 35 feet. The Town Manager reviewed the setback requirements and frontage/yard requirements. He said he will be asking Council to consider an ordinance amendment and rescind the height restriction in a business district B-4 is as in a Business district B-3 zone and all site plans will come before Council. He then provided the heights of several buildings in town and said that the site plan will be brought before Council for approval.

REQUEST AUTHORIZATION TO ADVERTISE A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A MIXED USE COMMERCIAL/RESIDENTIAL STRUCTURE

On motion by Mr. Hunter, seconded by Mrs. Thompson and with all Council members voting “aye”, the request to authorize a public notice for a conditional use permit to construct a mixed use commercial/residential structure at 312 West Third Street was approved.

BACKGROUND: Walk2Campus Holding, LLC has applied for a conditional use permit on behalf of LU Seven, LLC to construct a mixed use commercial/residential structure at 312 West Third Street. The property is zoned business district B-3 and allows for a mixed use commercial/residential structure, provided that all residential be located on the second story of the building or above.

REQUEST AMENDMENTS TO TOWN CODE SECTION 6-94 RESTORATION OF UNSAFE BUILDING

On motion by Mr. Davis, seconded by Mr. Pairet and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the recommendation to amend Town Code **Section 6-94 Restoration of unsafe building** was approved as following:

Ordinance #169
Chapter 6
BUILDINGS

Article V. Unsafe, Unsanitary or Deficient Buildings

AMENDED:

Sec. 6-94. - Restoration of unsafe building.

A building or structure condemned by the building official may be restored to safe condition; provided, that no change of use or occupancy is contemplated or compelled by reason of such reconstruction or restoration, unless the damage or cost of reconstruction or restoration is in excess of fifty (50) percent of its replacement value, ~~exclusive of foundations, materials and methods of construction of buildings hereafter erected.~~ ***or assessed value, whichever is greater***

BACKGROUND: Mr. Spates said Phillip Moore, Building Official for the Town has been addressing the Town's unsafe structures. The proposed amendment will allow him to make a clear assessment of the structure.

VACANCY ON THE FARMVILLE PLANNING COMMISSION

On motion by Mrs. Thompson, seconded by Mr. Reid and with all Council members voting "aye", the Town Manager was authorized to advertise for letters on interest from community residents interested in serving on the Farmville Planning Commission.

BACKGROUND: Mr. Spates informed Council that due to health reasons, Mr. Andy Andrews has resigned from the Farmville Planning Commission.

REQUEST AUTHORIZATION TO ADVERTISE FOR A PUBLIC HEARING ON AMENDING TOWN ORDINANCE SEC 29-337 USES AND RESCINDING SEC. 29-341 HEIGHT

On motion by Mr. Davis, seconded by Mr. Hunter and with all Council members voting "aye", the Town Manager was authorized to advertise a public hearing on the proposed zoning amendments as follows:

Ordinance #170
Chapter 29
Zoning
Division 12. Business District B-4

AMEND:

Sec. 29-337. - Uses.

In business district B-4, structures to be erected or land to be used shall be for one (1) or more of the following uses. A conditional use permit ~~shall~~ *may* be required for each use.

RESCIND:

~~Sec. 29-341. - Height.~~

~~Structures in a business district B-4 may be erected up to thirty five (35) feet in height from grade.~~

BACKGROUND: Mr. Spates said the proposed amendments are similar to those allowed in a business district B-3 zone.

COMMENTS BY MAYOR WHITUS

- On March 1, 2015, Mr. Spates will be celebrating his 40th Anniversary with the Town of Farmville. A celebration will be taking place on Friday, February 27th upstairs in the foyer area. The event is open to the public and all are invited to attend.
- UVA is considering purchasing another Pegasus helicopter and has agreed to tour the Farmville Regional Airport.
- Commended the Town Treasurer on paying on the Town's line of credit.

THE TOWN MANAGER AND STAFF COMMENTED ON THE FOLLOWING:

- Andy Ellington, Acting Chief of Police provided an update on the third Annual Citizen Academy and invited the public to register for the program.
- The Town Manager thanked Mr. Hunter and the Piedmont Regional Jail for all the assistance they provide on various project.

There were no comments made by Farmville Town Council members.

CLOSED SESSION – PERSONNEL MATTERS AND LAND ACQUISITION

On motion by Mr. Davis, seconded by Mr. Reid and with all Council members voting “aye”, Council went into closed session under **Section 2.2-3711.A.1** of the *Code of Virginia, as amended*, for the discussion of the candidates for the position of Chief of Police of the Town of Farmville; and under **Section 2.2-3711.A.3** of the *Code of Virginia, as amended* for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

On motion by Mr. Davis, seconded by Mr. Hunter 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: seven

MOTION: Davis

SECOND: Hunter

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

NOES: no one

ABSENT DURING VOTE: none

ABSENT DURING MEETING: none

Clerk

APPOINTMENT OF CHIEF OF POLICE OF THE TOWN OF FARMVILLE

On motion by Mr. Reid, seconded by Mr. Dwyer and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", Council appointed Mr. Curtis Davis as Chief of Police of the Town of Farmville.

BACKGROUND: Mr. Davis is the Deputy Chief of Operations for the City of Roanoke Police Department. He has been with the Roanoke Police Department for his entire law enforcement career, beginning in the mid-1980. Mayor Whitus said Mr. Davis will be relocating to Farmville in the near future.

REQUEST APPROVAL OF THE EMPLOYMENT AGREEMENT FOR MR. CURTIS DAVIS

On motion by Mr. Davis, seconded by Mr. Cole and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", Council approved the Employment Agreement for Mr. Curtis Davis, as prepared by Andrea Erard, Town Attorney.

Mr. Pairet thanked Acting Chief of Police, Andy Ellington and said he was very proud of the job he has done in the interim. Council spoke of the highly qualified applicants they interviewed and the difficult job they had in selecting a new Chief.

Acting Chief Ellington addressed Council. He said how much he appreciated Council's trust in him, by appointing him Acting Chief and spoke of what it meant to him.

APPROVED:

ATTEST:

David E. Whitus, Mayor

Lisa M. Hricko, Clerk