

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON WEDNESDAY, DECEMBER 9, 2015

At the regular meeting of the Farmville Town Council held on Wednesday, December 9, 2015, at 7:00 p.m., in the Council Chamber of the Town Hall located at 116 North Main Street, Farmville, Virginia, there were present Mayor D.E. Whitus, presiding, and Council members D.E. Dwyer, 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, Andrea Erard; Chief of Police, Curtis Davis, Town Treasurer, Carol Anne Seal; Director of Public Works, Robin Atkins; Town Planner, Cindy Morris, and Town Clerk, Lisa Hricko.

Mayor Whitus called the meeting to order and welcomed guests. Reverend J.P. Ashton, Pastor of the First Baptist Church in Farmville, offered the invocation. The Pledge of Allegiance was led by Vice Mayor Reid.

GUESTS

Mr. Eric Hougland, with the Virginia Department of Conservation and Recreation, thanked the Town of Farmville and the Farmville Police Department for their continued partnership with the High Bridge Trail State Park. He then introduced High Bridge Trail State Park's Manager, Daniel Jordan. Mr. Jordan stated he is excited to be the Park Manager, and he provided Council an update on the growth of the park's attendance and revenue.

Mr. Michael Nash, Law Enforcement Liaison with DMV Highway Safety, presented the Farmville Police Department with the May 2015 Click It or Ticket Award. Mr. Nash stated the campaign is held in Virginia every May and November, and it is based on districts of similar size. On May 20, 2015, Farmville recorded a 100% seat belt use rate, with the state average being 80.9%. Chief Davis said the program was headed by Sergeant Ragland, and he praised him and the officers of the Farmville Police Department for their hard work and dedication.

PUBLIC COMMENTS

Mr. Ron White, a member the Friends of the Farmville Airport, addressed Council. Mr. White stated the last Town budget amendments showed a change in the Farmville Regional Airport's budget. He asked if someone could attend one of their meetings to discuss plans for the airport. Mayor Whitus suggested the Town Manager work with Mr. White to determine a convenient date and time. In closing, Mr. White thanked the Town for the holiday decorations and the community tree lighting.

Mr. Morgan Dunnivant addressed Council. He stated Mr. Spates informed him the Town had recently received noise complaints from residents living close to the airport. Mr. Dunnivant stated he has spoken with the Cumberland County Zoning Administrator and the Cumberland County Administrator about establishing an airport protection overlay zone. An airport protection overlay zone identifies the land in the vicinity as lying near an airport. He stated in the future, if the property by the airport is developed, it would be done with the understanding that you are building close to an airport. Mr. Spates stated the complaint was from a resident living near the end of runway 21, and the noise is probably attributable to student pilots from Liberty University. Mr. Spates stated he has contacted the University's School of Aeronautics asking that they be considerate of the residents living close to the runway. Mr. Spates congratulated Mr. Dunnivant on his recent appointment to the Buckingham Board of Supervisors. Mr. Dunnivant's term begins January 1, 2016.

Mr. Ross Fickenscher, one of the owners of the Hotel Weyanoke located 202 High Street, addressed Council. Mr. Fickenscher stated he plans to convert the historic building back into a 70 room upscale hotel. Also included in the plans are a conference room, banquet room and upscale restaurant. Mr. Fickenscher stated the hotel will be similar to the Craddock Terry in Lynchburg. They will be using the same management company as the Lynchburg property and will be working with the same architect. Mr. Fickenscher stated the Hotel Weyanoke has limited parking on-site, and he has discussed with the Town Manager the possibility of leasing 60 municipal parking spaces at a rate of \$30.00 per month, per space. He anticipates the project beginning construction in the summer of 2016, with completion sometime in the summer of 2017.

Ms. Jen Cox, Director of Commuter Life at Longwood University, provided Council with upcoming events at the university. Ms. Cox stated residence halls close on Saturday, December 12, 2015, at noon. The university closes at 5:00 p.m. on Friday, December 18, 2015, and will reopen on Monday, January 4, 2016. Attending the meeting with Ms. Cox was Ms. Angela Jackson, past Director of Commuter Life. Ms. Jackson said she was visiting and will be returning to Uganda at the end of the week. She stated she thinks of Farmville as home and appreciated the opportunity to work with the Town.

REQUEST APPROVAL OF THE CONSENT AGENDA

On motion by Mr. Hunter, seconded by Mr. Pairet and with all Council members voting “aye”, the motion to adopt the consent agenda was approved. The consent agenda included the minutes of the November 4, 2015, regular work session and the minutes of the November 12, 2015, regular Council meeting.

REQUEST APPROVAL OF THE TREASURER’S REPORT

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

REQUEST AUTHORIZATION TO PAY THE BILLS

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

BILLS ARE PRINTED IN THE MINUTE BOOK

REQUEST FOR THE OSBORN ROAD PROJECT TO BE SUBMITTED FOR VDOT REVENUE SHARING PROJECT

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”, a motion to move forward with overlay for Osborne Road, and to submit the Osborne Road project to VDOT’s Revenue Sharing Program, was approved.

BACKGROUND: Mr. Spates stated the cost estimate to overlay Osborne Road is approximately \$59,000, which includes overlaying the road and marking a pedestrian lane on the shoulder in the gravel area. He said there is \$60,000 in the budget under Street Maintenance. If the Osborne Road project (which includes widening the road, adding sidewalks on one side, and replacing culverts) is accepted by VDOT for its Revenue Sharing program, it would qualify for a 50/50 match.

TOWN MANAGER’S VERBAL REPORT

Mr. Spates provided a brief update on the following projects:

- The Prince Edward County Board of Supervisors agreed to transfer \$158,000 of their VDOT funds to the Town. The County’s VDOT funds are left over from the Route 15

South project. The money is to be used for paving South Main Street for the Vice Presidential Debate in October, 2016.

- The Patrick Henry Boys Home has closed on the purchase of the old library building and the money has been put in an escrow account.
- The Travis Building – Council will be asked to adopt a resolution acknowledging a “gift” of \$75,000, the difference between the sale price of the property and the appraisal value.
- The Burn Building – should be complete sometime around February 1, 2016.
- Voluntary Boundary Adjustment – in the final stages, should be ready to advertise a joint public hearing within the next 30 days.
- Dog Park – the sign came in today, and the dedication plaque is being made by Gemini.

STANDING COMMITTEE REPORTS

Verbal reports by Committee Chairs:

- Finance and Ordinance Committee, Chairman Davis – nothing additional to add;
- Public Safety, Chairman Hunter – nothing additional to add;
- Town Asset and Resource Committee, Chairman Pairet – Mr. Pairet stated the Erica Geary Dog Park official opening is scheduled for 3:00 p.m. on Friday, January 8, 2016. Mr. Spates and Dr. French will speak at the unveiling, and Dr. Erica Geary’s family will be present. The dog park will be dedicated in memory to Dr. Geary, who passed away from an automobile accident earlier this year. The community is encouraged to bring their dogs, and dog treats will be available. Mr. Spates stated the dog park budget was \$30,000 and to date the Town has spent approximately \$26,000. The project will come in under budget.
- Community Marketing and Development, Chairman Thompson – Mrs. Thompson commended Mr. Spates and Mr. Atkins for their involvement in the Holiday Tree Lighting and thanked all those that volunteered and participated in the event. She stated it was a tremendous event and looks forward to next year’s event.
- Personnel Committee, Chairman Reid – Mr. Reid asked that his report be made in closed session.

REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF MR. AND MRS. JOHN WINGO

On motion by Mr. Hunter, seconded by Mr. Reid and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, a motion to accept the Farmville Planning Commission’s recommendation to issue a conditional use permit to John and Tricia Wingo to operate a bed and breakfast at their residence, 1103 Barrow Street, was approved. The property is zoned Residential District R-1-A, and a bed and breakfast is an allowed use with a conditional use permit.

BACKGROUND: Mr. Spates stated this matter came before the Farmville Planning Commission, and they recommended Council grant the request for a conditional use permit with no restrictions. The property was posted, and a public notice was advertised in the Farmville Herald.

DISCUSS PARTICIPATING IN THE VDOT ROADSIDE BEAUTIFICATION PROJECT

On motion Mrs. Thompson, seconded by Mr. Davis and with all Council members voting “aye”, a motion to reaffirm the VDOT Roadside Beautification Project resolution, adopted in April of 2008, was approved. Council agreed to establish a committee to work with the Town on “garden sponsorship” at a later date. The resolution adopted in 2008:

RESOLUTION

WHEREAS, the Town of Farmville, in accordance with the Virginia Department of Transportation’s *Comprehensive Roadside Management Plan* (Senate Bill 260), requests the Commonwealth Transportation Board to establish a project for the roadside beautification of the Town of Farmville, and

WHEREAS, the Virginia Department of Transportation (VDOT) requires a formal resolution from the local governing body, adopted subsequent to a public hearing during which the proposed landscaping activities are made available for review, and

WHEREAS, the Town of Farmville will follow the General Rules and Regulations of the Commonwealth Transportation Board (Sections 24VAC 30-20-20, 24 VAC 30-20-80), and the Land Use Permit Manual (24 VAC30-150 et seq.), and

WHEREAS, the Town of Farmville has applied for and been approved of a Land Use Permit from VDOT, and

WHEREAS, The Town of Farmville assumes full responsibility for maintenance of the presented program for highway beautification, and

BE IT FURTHER RESOLVED that the Town of Farmville hereby agrees to have available to VDOT the Corridor Master Plan at all times, will assume responsibility for maintenance of

described project, and will comply by all rules and regulations detailed in VDOT's Comprehensive Roadside Management Program.

Adopted this 9th day of April, 2008, Farmville, Virginia by the Town Council of the Town of Farmville, Virginia.

BACKGROUND: Mr. Spates stated Town Council agreed to participate in Roadside Beautification program in 2008; however, due to the economy, the program was put on hold. With the Vice Presidential debate taking place at Longwood University in October of 2016, Mr. Spates feels it would be a good time reinstitute the program.

The program is similar to those in Lynchburg and Appomattox. In 2008, Harvey Design Land Architects identified 34 garden locations for the Town. Mr. Spates stated one local business has expressed interest participating in the program. A committee would be created and its members would contact businesses asking if they would like to sponsor a garden. Mayor Whitus spoke in support of the program.

DISCUSS ESTABLISHING A TOWN OF FARMVILLE TOURISM ZONE ORDINANCE

On motion by Mr. Pairet, seconded by Mr. Cole and with all Council members voting "aye", a motion to hold a public hearing on the proposed Tourism Zone Ordinance was approved. Pending public comment, Council may consider taking action on the proposed ordinance at its regular January 2016 Council meeting.

BACKGROUND: The purpose of the Tourism Zone is to promote the Town of Farmville's tourism industry by providing incentives to eligible businesses within the Town's designated Tourism Zone. This will attract visitors, create new employment opportunities and/or promote education opportunities, while increasing travel related revenue in the Farmville area. The boundaries of Farmville Tourism Zone will include all areas within the Town's Enterprise Zone, in addition to all Town owned property at the Farmville Regional Airport, and the Farmville Municipal Golf Course located in Cumberland County.

REQUEST AUTHORIZATION TO LEASE SIXTY (60) PARKING SPACES IN THE MUNICIPAL LOT

On motion by Mr. Hunter, seconded by Mrs. Thompson and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting "aye", a motion was approved authorizing the Town Manager to work with Mr. Ross Fickenscher, one of the owners of the Hotel Weyanoke located at 202 High Street, on a Parking Agreement that

would allow the owners to lease 60 parking spaces in the municipal parking lot located behind the Town Hall. The parking spaces will be leased at a cost of \$30.00 per parking space, per month.

REQUEST REAPPOINTMENTS TO THE FARMVILLE BOARD OF ZONING APPEALS

On motion by Mr. Davis, seconded by Mr. Reid and with a recorded vote with Council members Dwyer, Hunter, Thompson, Reid, Davis and Cole voting “aye”, and Mr. Pairet abstaining, stating “conflict of interest”, a motion to request the Circuit Court of Prince Edward County reappoint Mrs. Penny Pairet and Ms. Pam Butler to the Farmville Board of Zoning Appeals was approved. The new terms of office for Mrs. Pairet and Ms. Butler will expire on January 1, 2021.

Mr. Pairet stated he had abstained voting on the reappointments because Penny Pairet is his wife.

BACKGROUND: Mr. Spates stated Mrs. Pairet and Ms. Butler’s terms on the Farmville Board of Zoning Appeals expire on December 31, 2015, and both have agreed to continue to serve.

REQUEST ADDITIONAL EMPLOYEE HOLIDAY HOURS ON WEDNESDAY, DECEMBER 23, 2015

On motion by Mr. Hunter, seconded by Mr. Pairet and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, a motion to grant employees an additional four hours of holiday leave on Wednesday, December 23, 2015, with employees using four hours of personal leave time on that day, was approved.

REQUEST ADOPTION OF THE RESOLUTION FOR 109 N. MAIN, LLC

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”, a motion to adopt the resolution acknowledging and accepting a gift from 109 N Main LLC, in the amount of \$75,000, and authorizing the Town Manager to execute the documents to finalize the transfer of the Travis building was approved.

RESOLUTION

WHEREAS, the Farmville Town Council previously approved a Resolution on September 22, 2015, to authorize the purchase the property located at 109 North Main Street in Farmville, Virginia (the “Property”) for the sum of \$40,000; and

WHEREAS, an appraisal of the Property was performed by Will Flory & Associates on October 9, 2015, which states that the property has a value of \$115,000; and

WHEREAS, the owner of the Property, 109 N Main LLC, is still willing to sell the Property to the Town of Farmville for the sum of \$40,000.

NOW THEREFORE BE IT RESOLVED, by the Farmville Town Council, at its regular monthly meeting on December 9, 2015, that based upon the appraisal performed by Will Flory & Associates, dated October 9, 2015, and upon transfer of the Property to the Town for \$40,000, the Town Council acknowledges and accepts a gift from 109 N. Main LLC in the amount of \$75,000; and

BE IT FINALLY RESOLVED, that in accordance with Virginia Code § 15.2-1803, the conveyance of the Property is accepted by the Farmville Town Council, on behalf of the Town of Farmville, and the Town Manager is authorized to execute any and all such documents as may be necessary to finalize this transaction.

Adopted this 9th day of December, 2015.

BACKGROUND: Mr. Spates stated the property was appraised at \$115,000. The Town agreed to purchase the property for \$40,000. Acknowledging the \$75,000 “gift” allows 109 N. Main, LLC a tax credit.

ADOPT A RESOLUTION CORRECTING THE MATHEMATICAL ERROR IN THE TOWN'S BUDGET

On motion by Mr. Cole, seconded by Mr. Hunter and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the motion to adopt the resolution correcting the Town budget to reflect \$77,404.00 less funds so that the 2015-2016 Town budget total is \$23,452,195.00.

Resolution Correcting November 12, 2015 Budget Amendment

WHEREAS, on November 12, 2015, the FY2015-16 budget for the Town of Farmville was amended and the FY2015-16 total was approved as \$23,529,999; and

WHEREAS, a \$77,404 mathematical error was made in the November 12, 2015, budget amendment resolution; and

WHEREAS, the FY2015-16 total should have been \$23,452,195.

NOW THEREFORE BE IT RESOLVED, by the Farmville Town Council, at its regular monthly meeting on December 9, 2015, that the Resolution approved by the Farmville Town Council on November 12, 2015, is hereby corrected to reflect \$77,404 less funds, so that the FY2015-16 budget total is \$23,452,195.

Adopted this 9th day of December, 2015.

BACKGROUND: Mrs. Seal stated there was an accounting error in the November budget amendment.

REQUEST AMENDMENT TO THE EMPLOYEE HANDBOOK – WORK RULES AND REGULATIONS

On motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Hunter, Reid, Davis and Cole voting “aye”, and Council members Dwyer, Thompson and Pairet voting “no”, a motion passed to amend the Employee Handbook, Section: Rules and Regulations, by deleting *#11 Bringing firearms or concealed weapons of any kind to work or on Town property. Exception – police on duty or special assignment shall carry their equipment.*

During the roll call vote, Mr. Pairet asked to make a substitute motion to refer this matter to the Safety Committee for further discussion. Mayor Whitus stated the roll call vote must be completed before Council can consider another matter. The roll call vote was completed, the motion passed and Mayor Whitus asked for the Town Attorney’s opinion. Mrs. Erard stated Council has no adopted rules of procedure; therefore, it is up to Council if they want to allow the substitute motion. Mayor Whitus stated the motion would not be a substitute motion because the original motion has passed. It would be another motion.

On motion by Mr. Pairet, seconded by Mrs. Thompson and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, Council voted to suspend any modification to the Employee Handbook until the Public Safety Committee has discussed the Employee Handbook, Section: Rules and Regulations, deleting *#11 Bringing firearms or concealed weapons of any kind to work or on Town property. Exception – police on duty or special assignment shall carry their equipment.* The Committee’s recommendation is to be presented to Council.

BACKGROUND: Mr. Spates stated he is recommending Council delete #11 from the Employee Handbook. Mr. Pairet asked Chief Davis if he was endorsing this matter. Chief Davis stated his viewpoint is the 2nd Amendment allows people to bear arms – he said will never impede that right. If the Town Council decides to allow guns on Town the property, then he will endorse it. He stated as a Police Officer he can never guarantee anyone’s safety by his actions or the actions of his officers. A motion was made and passed to delete *#11 Bringing firearms or concealed weapons of any kind to work or on Town property. Exception – police on duty or special assignment shall carry their equipment.*

After passing the motion, another motion was made and passed to refer this matter to the Public Safety Committee for further discussion.

REQUEST AMENDING ALL TOWN RENTAL FACILITY CONTRACTS TO REQUIRE A MEAL BE PROVIDED WHEN HAVING AN ALCOHOLIC EVENT

On motion by Mr. Hunter, seconded by Mr. Davis and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, a motion was approved to add language to all Town rental facility contracts requiring individuals and organizations renting a Town facility and serving alcohol at the event, must provide a meal. In addition, it is to be written on the event ticket that a meal is being provided and a copy of the menu must be turned in with the rental application.

BACKGROUND: Mr. Spates stated at a recent event held at the Arena, alcohol was served and a meal was not provided. He said he has learned the ABC laws do not require a meal be provided; however, he recommended Council consider making it a requirement by the Town.

THE TOWN MANAGER AND STAFF COMMENTS

Mr. Spates shared with Council members the letter he received from Mr. Bill Eberle thanking the Town for improving the lighting and paving on Winston Street. Members also received copies of the monthly Farmville Police Department report, along with a copy of the letter from the National Association of Town Watch announcing that the Farmville Police Department was selected as a National Award Winner for its participation in the 32nd Annual National Night Out. Chief Davis stated the Farmville Police Department placed 17th among localities of similar size.

MAYOR AND COUNCIL MEMBERS COMMENTS

Mr. Pairet expressed appreciation and thanked the Town for its hard work and dedication on the Erica Geary, DVM, Dog Park. He also shared with Council the positive comments he received from a customer on the Town’s appearance.

CLOSED SESSION – DISPOSITION OF PUBLICLY HELD PROPERTY AND PERSONNEL MATTERS

On motion by Mr. Davis, seconded by Mr. Reid and with all Council members voting “aye”, Council went into closed meeting pursuant to Section 2.2-3711.A.3 of the Code of Virginia, for the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and Section 2.2-3711.A.1 of the Code of Virginia, for discussion and consideration of prospective candidates for the appointment as Town Attorney of the Town of Farmville.

Mayor Whitus announced a five minute recess and returned in closed session.

On motion by Mr. Davis, 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: Reid

SECOND: Thompson

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

NOES: None

ABSENT DURING VOTE: No one

ABSENT DURING MEETING: No one

Clerk

REQUEST APPOINTMENT OF TOWN ATTORNEY

On motion by Mr. Reid, seconded by Mr. Hunter and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the motion to accept the recommendation of the Personnel Committee and appoint attorney Gary Elder, with Hawthorne and Hawthorne, as the attorney for the Town of Farmville. Mr. Elder’s fees are \$175.00 per hour, and there is no retainer.

There being no other business, the meeting adjourned.

APPROVED:

ATTEST:

David E. Whitus, Mayor

Lisa M. Hricko, Clerk