

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON WEDNESDAY, JANUARY 13, 2016

At the regular meeting of the Farmville Town Council held on Wednesday, January 13, 2016, 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, 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, Gary Elder; 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. He also welcomed Farmville's new Town Attorney, Gary Elder. Council member Davis gave the invocation and Vice Mayor Reid led the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Whitus announced the public comment portion of the meeting. No one present wished to address Council and the public comment portion of the meeting was closed.

PUBLIC HEARING – PROPOSED TOURISM ZONE ORDINANCE

Mayor Whitus opened the public hearing on the proposed tourism zone ordinance and Mr. Spates read the public hearing notice, as follows:

The Farmville Town Council will hold a Public Hearing on Wednesday, January 13, 2016 at 7:00 PM in the Council Chambers located on the Second Floor of the Town Hall, 116 North Main Street Farmville Virginia, for the purpose of hearing citizen comments a proposed Tourism Zone.

The purpose 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 that will attract visitors, create new employment opportunities and/or promote education opportunities while increasing travel-related revenue in the Farmville area.

In addition, this ordinance is a required step which may allow private businesses to access the state financing program available to businesses in a Tourism Zone.

Any person wishing to review the full document and/or comment on the above mentioned matter should plan to attend this hearing. Any questions may be directed to the Town Manager's Office, 116 North Main Street, Post Office Drawer 368, Farmville, Virginia 23901 or by (434)392-5686, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Mayor Whitus asked if anyone presented wished to speak on the proposed Tourism Zone Ordinance. No one present wished to address Council and the public hearing was closed.

FERN PROJECT PRESENTATION

Mr. Proctor Harvey, President and Ms. Clara Aleman, Landscape Architect of Harvey Design Land Architects presented a PowerPoint presentation on the Virginia Department of Transportation's highway beautification program and the FERN project from 2008.

Mr. Harvey stated Farmville Town Council approved participating in the program in 2008; but put the program on hold due to the economy. Mr. Spates stated Council is ready to move forward with the program.

Mr. Harvey's presentation highlighted the project FERN (Farmville, Enhancement of Roadway and Neighborhoods). He stated the purpose of the VDOT program is to beautify the roadway by placing landscaping in a segment of the right-of-way. The FERN program is to be funded by donations made to the Town by private businesses, civic organizations, community and individual sponsorships. Mr. Harvey stated the plans from the 2008 project, which identified 34 garden locations, will be used as this program moves forward. The one time garden donation range in cost of \$7,500 to \$50,000, depending on location and garden size. The donor/sponsor leases the garden space for a period of five (5) years. The funds pay for the implementation and maintenance of the garden. A sign acknowledging the name and/or logo of the donor/sponsor is installed at the garden during the lease period. The fee for the signage is a separate cost not part of the donation.

Mr. Harvey spoke of the need to establish a sales/marketing committee made of active members of the community that would be willing to contact businesses, civic organizations etc. to present the program and ask for their participation. Mr. Harvey stated he would be available for workshop training on establishing the donation levels. Council spoke in support of the program.

CONSENT AGENDA

Mayor Whitus set the consent agenda aside because an amendment to the draft minutes of the December 9, 2015 regular Council meeting was needed.

REQUEST APPROVAL OF THE DRAFT MINUTES OF THE REGULAR WORK SESSION HELD ON DECEMBER 2, 2015

On motion by Mr. Davis, seconded by Mr. Hunter and with all Council members voting “aye”, the motion to approve the draft minutes of the regular work session of the Farmville Town Council held on December 2, 2015 as presented, was approved. Council member Thompson was absent from the December 2, 2015 regular work session meeting.

REQUEST APPROVAL OF THE DRAFT MINUTES OF THE REGULAR COUNCIL MEETING HELD ON DECEMBER 9, 2015

On motion by Mr. Davis, seconded by Mr. Pairet and with all Council members voting “aye”, the motion to approve the draft minutes of the regular Council meeting held on December 9, 2015, adding payment of the bills, was approved.

REQUEST APPROVAL OF THE TREASURER’S REPORT

On motion by Mr. Reid, seconded by Mr. Hunter and with all Council members voting “aye”, the motion to approve the Treasurer’s Report as presented, was approved.

REQUEST AUTHORIZATION TO PAY THE BILLS

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”, the motion to authorize the Town Treasurer to pay the bills as presented, was approved.

BILLS PRINTED IN MINUTE BOOK

VERBAL REPORT BY TOWN MANAGER

The Town Manager provided a verbal report on the following matters:

- Landfill closure – the Selection Panel interviewed four engineering firms that responded to the RFP to provide professional engineering services on the Town’s Landfill closure. The Panel recommends Joyce Engineering from Richmond, Virginia.
- Staff has begun working on the 2016-2017 Town Budget. The Town Treasurer should have a working draft available for the Finance and Ordinance Committee in February. Mr. Davis stated the Finance and Ordinance Committee will begin budget meetings Wednesday, February 3, at 10:00 am.
- Mr. Spates stated he anticipates having Council a draft map of the area being considered for the voluntary boundary adjustment at the February Council meeting.
- Due to weather conditions, the burn building should be completed in March.

VERBAL REPORTS BY CHAIRMEN OF THE STANDING COMMITTEES

Finance and Ordinance Committee, Chairman Davis – no report;

Public Safety Committee, Chairman Hunter – no report;

Town Asset and Resource Committee, Chairman Pairet – thanked everyone for attending the dedication of the Erica Geary DVM Dog Park;

Community Marketing and Development Committee, Chairman Thompson – no report;

Personnel Committee, Chairman Reid – no report

REQUEST JOYCE ENGINEERING BE AWARDED THE ENGINEERING CONTRACT ON THE LANDFILL CLOSURE

On motion by Mr. Hunter, seconded by Mr. Cole 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 Town Manager and award Joyce Engineering the contract on engineering services on the Town of Farmville’s closed landfill was approved.

BACKGROUND: Mr. Spates stated the four firms that the Selection Panel interviewed were highly qualified. However, Joyce Engineering has extensive experience with landfills facing similar issues as the Town’s closed landfill.

REQUEST ADOPTION OF TOURISM ZONE ORDINANCE

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

Tourism Zone

ARTICLE I. IN GENERAL

Sec. 30-1. Statement of Purpose.

The Virginia code authorizes Virginia localities to establish, by ordinance, one or more tourism zones for the purpose of granting incentives and providing regulatory flexibility to qualified businesses. This Tourism Zone is a specific geographic area/s created in accordance the Code of Virginia §58.1-3851.

The purpose 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 that will attract visitors, create new employment opportunities and/or promote education opportunities while increasing travel-related revenue in the Farmville area.

In addition, this ordinance is a required step which may allow private businesses to access the state financing program available to businesses in a Tourism Zone.

Sec. 30-2. Boundaries of the Town of Farmville Tourism Zone.

The boundaries of Farmville’s 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 Farmville Municipal Golf Course, both located in Cumberland County.

Sec. 30-3. Incentives.

Qualifying businesses are eligible for the following incentives: *(the incentives listed below mirror the incentives offered under the Town’s Enterprise Zone)*

- (1) Waiver of 25% or \$1,000, whichever is greater for water and sewer availability and tap fees *(within the Town of Farmville)*.
- (2) A 5 year real estate tax reinvestment credit on 100% of value of improvements resulting from renovation work *(within the Town of Farmville)*.
- (3) Accelerated development review process *(within the Town of Farmville)*.
- (4) Town will reimburse property owner up to \$1,000 for architectural design fees for downtown façade improvements in the historic district upon completion of construction work and approval by Town.
- (5) Waiver of land disturbance/soil and erosion permit fees. *(West Third Street)*

Sec. 30-4. Qualifications for Incentives.

For a business to qualify for local Tourism Zone incentives, the business must be located within the boundaries of the Tourism Zone and meet the following criteria:

- (1) An existing business that makes a minimum \$50,000 capital improvements.
- (2) A new business that makes a minimum \$250,000 capital improvement.

Sec. 30-5. Application.

The qualified applicant will apply for incentives, by letter, on a reimbursement basis after construction completion and a certificate of occupancy has been issued.

BACKGROUND: Mr. Spates stated the boundaries of Farmville’s 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 AMENDMENT TO THE EMPLOYEE HANDBOOK

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”, the motion to accept the recommendation of the Personnel Committee and rescind and amend Section 6.1 Work Rules and Regulations of the Town of Farmville Employee Handbook was approved, as presented.

Section 6.1 Work Rules and Regulations

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.~~

Add: 11. Using, threatening to use, or displaying a weapon of any kind or any other object that is used for the purpose of injury or intimidation, unless required by official job duties (such as police officer).

BACKGROUND: Mr. Hunter stated the Personnel Committee recommended Council amend the language.

REQUEST TO ESTABLISH A FERN COMMITTEE AND APPOINT MEMBERS

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”, the motion to establish a FERN Committee was approved. Establishing

On motion Mr. Hunter, seconded by Mr. Davis and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid, Davis and Cole voting “aye”, the motion to appoint Council member Dan Dwyer, Town Manager, Gerry Spates and Town Horticulturist, David Fowkles to the FERN Committee was approved. Members also agreed that the FERN Committee has approval to add members from the community as determined by the Committee.

BACKGROUND: Mayor Whitus stated the presentation by Mr. Proctor Harvey identified the need to establish a fundraising committee that would present the program to businesses and civic organizations in the community.

PROPOSED PARKING AGREEMENT – HOTEL WEYANOKE

On motion by Mr. Davis, seconded by Mr. Reid and with all Council members voting “aye”, the proposed parking agreement between the Town of Farmville and the Hotel Weyanoke was continued.

BACKGROUND: Mr. Spates stated he and Mr. Fickenscher, one of the owners of the Hotel Weyanoke are working on a draft of the parking agreement and will present it to Council when it is completed.

REQUEST ADOPTION OF RESOLUTION OF RESPECT HONORING MR. JAMES R. ENNIS COMMONWEALTH ATTORNEY FOR PRINCE EDWARD COUNTY

**RESOLUTION OF RESPECT
IN RECOGNITION OF
JAMES RONALD ENNIS**

WHEREAS, James “Jim” Ronald Ennis retired on December 31, 2015, after serving as the Commonwealth’s Attorney for Prince Edward County for more than two decades; and

WHEREAS, his career as the Commonwealth’s Attorney for Prince Edward County began on October 1, 1991, when he was appointed to fill an expired term; and

WHEREAS, Mr. Ennis was elected as the Commonwealth’s Attorney in 1991 where he has loyally served the residents of Prince Edward County for over 24 years; and

WHEREAS, his dedication and devotion to Prince Edward County has been instrumental in the implementation of an electronic case management system to better serve the public; and

WHEREAS, Mr. Ennis has faithfully served the residents of Prince Edward County showing the utmost in integrity and professionalism; and

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

Adopted this 13th day of January, 2016, by the Farmville Town Council, Farmville, Virginia.

BACKGROUND: Mayor Whitus stated the Resolution of Respect acknowledges Mr. Ennis’ retirement as the Commonwealth Attorney of Prince Edward County and honors him for his 24 years of service to this community.

REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF FARMVILLE ASSOCIATES, LLC TO CONSTRUCT APARTMENTS

On motion by Mr. Hunter, seconded by Mr. Reid and with all Council members voting “aye”, the motion to refer to the Planning Commission, the request for a conditional use permit on behalf of Farmville Associates, LLC to construct apartments in a Business District B-4 zone,

on property located behind Wal-Mart and adjacent to the Willa Wood property was approved. A public hearing will be scheduled and the property will be posted.

REQUEST APPROVAL OF PAYMENT FROM THE NARCOTICS FUND

On motion by Mr. Reid, seconded by Mr. Hunter and with a recorded vote with Council members Dwyer, Hunter, Thompson, Pairet, Reid and Cole voting “aye”, the motion to authorize payment of \$2,800 from the Narcotic’s Fund to Piedmont Regional Drug and Task Force was approved.

BACKGROUND: The request is for the Farmville Police Department’s 2015-2016 fiscal year payment to the narcotics and Gang Enforcement Task Force.

REQUEST ON BEHALF OF MR. THOMAS FRISBIE-FULTON FOR A LONG TERM PARKING SPACE RENTAL AGREEMENT

On motion by Mr. Hunter, seconded by Mr. Davis and with all Council members voting “aye”, the recommendation by the Town Manager to enter into a Parking Lease Agreement between the Town of Farmville and Mr. Thomas Frisbe-Fulton of 235 N. Main Street to lease one parking space in the municipal lot behind his property for \$300.00 annually was approved.

BACKGROUND: Mr. Frisbe-Fulton has requested a long term lease to rent an assigned parking space in the municipal lot behind his building. Mr. Frisbe-Fulton purchased the Ashby Antiques building at 235 N. Main Street. The property is located in a Business District B-1 zone and allows for commercial on the first floor and residential on the second floor. He stated he and his wife will be residing on the second floor. Mr. Spates stated the Town presently has parking lease agreements which charge \$25.00 per parking space per month.

REQUEST APPROVAL OF THE FARMVILLE AREA BUS TITLE VI PROGRAM

On motion by Mr. Hunter, seconded by Mrs. Thompson and with all Council members voting “aye”, the motion to adopt the Farmville Area Bus Title VI Program, as presented was approved.

BACKGROUND The Farmville Area Bus receives public transportation funding from the Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (DRPT). Mr. Spates stated in order to receive funding from the FTA and the DRPT, the Farmville Area Bus is required to develop policies, programs and practices that ensure federal and state transit dollars are used in a manner that is nondiscriminatory as required under

Title VI. The plan is to be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

REQUEST ACCEPTANCE OF THE TERMS ON THE SALE OF THE MOTTLEY LAKE PROPERTY

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”, the motion to accept the terms on the sale of the Mottley Lake property to Farmville Farm LLC were approved. The terms are as follows:

Sale Price: \$1.25 million dollars

Terms: \$300,000 down, due at closing

Balance: 0% interest first five (5) years,
Payment of \$95,000 per year, first five (5) years

Years 6 -10, \$95,000 per year, plus interest (prime rate versus LIBOR)

Conditions: Town will have perpetual right to the water in Mottley Lake, when needed

Note: It is contemplated that both parties will use Spotts and Fain as their attorney, since they did the original paperwork.

Additional Requirements: The Town of Farmville will hold the Deed of Trust; specific dates will be established for the following: annual installments date, date interest is to begin accruing, late penalty accrual date and late penalty fees.

BACKGROUND: Members discussed recent pictures of Mottley Lake that showed brown/orange lake water. Mr. Spates stated runoff from the two nearby projects that are under construction had caused soil and erosion issues that have damaged Mottley Lake. He stated he contacted the Department of Mines and Minerals Resources and Department of Environmental Quality, notifying the agencies of the issue. He stated after several conversations with both agencies, he is displeased with their lack of action in this matter. Mr. Spates stated he has also filed a complaint with Prince Edward County because the Lake and both projects are located in the County. In addition, he has contacted the Attorney that is representing the Town in the sale of the Mottley Lake property.

Mr. Spates stated proper action was not taken at the worksites to protect the environment, and as a result soil and erosion issues have occurred that have affected the water at Mottley Lake. DEQ has issued a stop work order at one project; however, the Luck Stone project comes under the Department of Mines and Minerals Resources and they have not been issued a stop work order.

Mr. Spates presented the terms of the sale. Council agreed with the terms and added the following language: *The Town of Farmville will hold the Deed of Trust, a specific due date for annual installments will be set, a date is to be set when interest is start accruing and a late penalty and late penalty accrual will be established.*

BUFFALO BRIDGE STRUCTURE DESIGN – ASSET AND RESOURCE COMMITTEE

Mayor Whitus accepted the recommendation of the Town Manager and referred the selection of the Buffalo Bridge structure design and type to the Asset and Resource Committee for their recommendation to Council.

ROUNDABOUT STUDY

Mayor Whitus accepted the recommendation of the Town Manager and agreed that the roundabout study will be added to the 2016-2017 Town Budget.

Mr. Spates stated staff interviewed and selected a traffic engineering firm to perform the study on a roundabout. The cost will be \$44,000. Mr. Spates stated due to the cost and that this is not a pressing issue, he suggested the project be added to the 2016-2017 budget.

TOWN MANAGER AND STAFF COMMENTS

Mr. Spates stated he had received a complaint regarding 107 Grove Street. He stated the house is under construction. The complaint is in regards to the steps that are being built in the front of the house that will give access to the second floor apartment. The person is not pleased with the way it looks. Mr. Spates stated there is no building code violation or zoning code violation.

Mr. Spates stated the Prince Edward County Board of Supervisors would like to meet jointly with Farmville Town Council in March. They have suggested meeting at the banquet room at the Farmville Municipal Golf Course and would like to tour the Farmville Regional Airport. Mayor Whitus stated the Town Clerk will contact members for available dates.

Chief Davis presented the Department's annual State of the Department report and the 2015 Total Accidents in the Town of Farmville report to Town Council.

MAYOR AND COUNCIL MEMBERS COMMENTS

Mr. Hunter stated he would like to enhance the recreation facility and increase the services the recreation department offers to the community. He stated he has directed the Town Manager to gather financial information on upgrades to the parking area at the Firemen's Sports Arena to include paving the lot, a covered walkway in front of the building and a pull-up/drop-off area. He also expressed interest in a multi-purpose facility. Mr. Reid also spoke of the need to upgrade the parking area. Mr. Hunter stated the financial information will be furnished to Finance and Ordinance Committee for budget preparations.

There being no other business, the meeting recessed until January 25, 2016 at noon.

APPROVED:

ATTEST:

David E. Whitus, Mayor

Lisa M. Hricko, Clerk