

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON AUGUST 9, 2017

Mayor Whitus called to order the regular meeting of the Farmville Town Council held on Wednesday, August 9, 2017 at 7:00 p.m., in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia.

Present at the meeting 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. Council member S.B. Thompson was absent.

Staff present was Town Manager, Gerald Spates; Town Attorney, Gary Elder; Chief of Police, Andy Ellington; Town Treasurer, Carol Anne Seal; Director of Publics Works, Robin Atkins; Town Planner, Cindy Morris; Communications Specialist, Kate Eggleston, Administrative Assistant, Jackie Vaughan and Town Clerk, Lisa Hricko.

Mayor Whitus welcomed guests and Reverend Michael Kendell led the invocation; followed by Vice Mayor Reid leading the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

Mayor Whitus announced the public comment portion of the meeting and reminded guests to limit their comments to three (3) minutes.

The following guests spoke in opposition to the request on behalf of Mr. and Mrs. Robert Martin to rezone their property located at 510 and 504 High Street and 104 and 106 Appomattox Street from Residential District R-3 to Residential District R-3A and to rescind the density requirement in the Residential District R-3A zone; and the request on behalf of Mr. Matt King CEO of Walk2Campus Holdings, LLC to rezone 37 properties from Residential District R-3, Business District B-1, and Business District B-2 to Residential District R-3A. Mr. King listed the properties as rental properties, leased primarily to off-campus Longwood University students.

Addressing Council :

Tom Dennison	Teri Kidd	Elizabeth McCutchen	Susan Bagby
George Bagby	Kim Webb	Bob Webber	Troy Purdom
Mary B. Stinson	Narvona Hart	Hannah Boswell	Carol Fauci
Faye Green	Adam Yoelin	Ann Yoelin	Harlan Horton
Michele Varga	Robin Smith		

Several guests stated they strongly opposed the proposed rezoning requests. Others addressed specific concerns, which included:

- Need to adhere to proper zoning and planning. Changing the zoning from R-3 to R-3A would allow a 125' building to be constructed in all R-3A zones;
- Preserve the Town's character and quality of life that the Town has;
- This proposed project will be spot zoning and a 125' building is too tall for area;
- Create density issues and additional parking problems for the area;
- Degrade quality of life and create a burden for the police and fire departments;
- A negative effect on the quality of life for the residents in the area and will take away from the beauty of the Town;
- Bigger city problems to the area and traffic congestion;
- Consider a more appropriate place to build a five (5) story apartment complex for students;
- Outrageous proposal and will create additional traffic issues;
- Commercial building in a residential neighbor and the project does not support planned growth;
- Keep Farmville as a family – friendly community feel – oppose the rezoning;
- Conserve the beauty and qualities of the town;
- Grave disservice to the old historic homes in Farmville;
- Project changes a portion of the community's history;
- Overpopulation, noise and trash, forever altering the face of Farmville;
- Stated opposition to the rezoning request and reiterated the Town zoning language stating “for the purpose of health, safety, convenience or general welfare of the public, and accomplishing the objectives of the Code of Virginia;
- Growth is inevitable, having a plan in place makes sense;
- Residential nature and its historic components are consistent with the Town's identity

REQUEST APPROVAL OF THE CONSENT AGENDA

On motion by Mr. Hunter, seconded by Mr. Davis and with all Council members voting “aye”, the motion to approve the consent agenda as presented was approved. The consent agenda includes the draft minutes of the July 12, 2017 regular Council meeting.

CLERK'S NOTE: The Wednesday, July 5, 2017 regular work session was cancelled due to the July 4th holiday.

REQUEST APPROVAL OF THE TREASURER'S REPORT

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

BACKGROUND: The Town Treasurer provided Council with a brief overview of the Treasurer's Report.

REQUEST AUTHORIZATION TO PAY THE BILLS

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

REQUEST FOR ABANDONMENT OF UNOPENED STREET RIGHT OF WAY

On motion by Mr. Hunter, seconded by Mr. Pairet and with all Council members voting “aye”, the motion to continue the request on behalf of Mr. and Mrs. Bratcher and Mr. and Mrs. Kiewiet de Jonge for the abandonment of the unopened street right of way from Fourth Avenue, Ext. to the Third Avenue easement, was approved.

BACKGROUND: This matter was continued pending recommendation from the Infrastructure Committee. At the July 12, 2017 Council meeting, Mr. Spates asked for the continuance of the request to abandon the unopened street right of way, stating Mr. and Mrs. Kiewiet de Jonge were on vacation at the time. In May, a request to abandon a portion of Barrow Street between Fourth Avenue Ext. and the unopened portion of Third Avenue was submitted by Mr. and Mrs. Richard Bratcher and Mr. and Mrs. Kiewiet de Jonge.

A public hearing was held on June 14, 2017 and there were no comments by the public.

REQUEST ADOPTION OF RESOLUTION IN SUPPORT OF THE FARMVILLE INDUSTRIAL DEVELOPMENT AUTHORITY'S ISSUANCE OF REVENUE BONDS FOR LONGWOOD UNIVERSITY REAL ESTATE FOUNDATION NOT TO EXCEED \$95 MILLION DOLLARS OF ITS EDUCATIONAL FACILITIES REVENUE AND REFUNDING BONDS (LONGWOOD UNIVERSITY STUDENT HOUSING PROJECTS), SERIES 2017

On motion by Mr. Davis, seconded by Mr. Cole and with Council members Cole, Davis, Reid, Pairet, Hunter and Dwyer voting “aye”, the motion to adopt the resolution in support of the FIDA’s issuance of Revenue Bonds for Longwood University Real Estate Foundation not to exceed \$95,000,000 of its Educational Facilities Revenue and Refunding Bonds Series 2017, was approved.

Resolution

A RESOLUTION APPROVING THE EXERCISE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FARMVILLE, VIRGINIA, OF POWERS CONFERRED BY THE INDUSTRIAL DEVELOPMENT AND REVENUE BOND ACT, CHAPTER 49, TITLE 15.2 OF THE CODE OF VIRGINIA OF 1950, AS AMENDED, IN CONJUNCTION WITH THE

ISSUANCE FOR LONGWOOD UNIVERSITY REAL ESTATE FOUNDATION OR ONE OR MORE WHOLLY-OWNED AFFILIATED ENTITIES OF NOT TO EXCEED \$95,000,000 OF ITS EDUCATIONAL FACILITIES REVENUE BONDS (LONGWOOD UNIVERSITY STUDENT HOUSING PROJECTS), SERIES 2017

WHEREAS, the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2 of the Code of Virginia of 1950, as amended (the “Act”), authorizes the creation of the Industrial Development Authority of the Town of Farmville, Virginia (the “Authority”), and the Act empowers the Authority to assist Longwood University Real Estate Foundation, a Virginia nonstock, nonprofit corporation (the “Borrower”), or Longwood Housing Foundation, LLC, a wholly-owned affiliate of the Borrower, or another wholly-owned affiliate of the Borrower (each, an “Affiliate”), whose principal place of business is located at 315 West Third Street, Farmville, Virginia 23901, for the issuance by the Authority of its educational facilities revenue bonds (the “Series 2017 Bonds”) in an amount not to exceed \$95,000,000 to assist the Borrower or an Affiliate in the financing and/or refinancing and/or reimbursing the Borrower for all or a portion of (1) (a) the costs of acquiring, developing, rehabilitating, redeveloping, constructing and equipping of two residence halls known as Curry Hall and Frazer Hall, including without limitation the costs of certain development, redevelopment and pre-construction activities associated with such facilities located or to be located on the campus of Longwood University (the “University”) and owned by the Borrower or an Affiliate, (b) existing loans that financed or refinanced (i) the development and construction of a pedestrian and vehicular bridge providing access between the campus of the University and certain other student housing facilities used by the University and owned or leased by the Borrower or an Affiliate, and (ii) the acquisition by the Borrower or an Affiliate of various parcels of real property, certain items of personal property and working capital in furtherance of the charitable purposes of the Borrower or an Affiliate, and (c) the costs of construction and equipping of athletic fields on the campus of the University, all of which will be owned or leased by the Borrower or an Affiliate (collectively, the items described in clauses (1)(a), (b) and (c) are referred to herein as the “Project”); (2) funding any required reserve funds for debt service on the Series 2017 Bonds; (3) funding capitalized interest on the Series 2017 Bonds during construction of the Project and for a period not to exceed one year after the date on which construction of the Project is completed; and (4) paying all or a portion of the costs of issuance of the Series 2017 Bonds (collectively, the items referred to in clauses (1) through (4) above are hereinafter referred to as the “Plan of Finance and Refinance”); and

WHEREAS, the assets to be finance and refinanced through the financing of the Plan of Finance and Refinance with the Series 2017 Bonds will be owned by the Borrower of one or more of its Affiliates or affiliated entities, and is located in the Town; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires approval by this Town Council (the “Council”) of the issuance of any private activity bonds by the Authority for facilities located in the Town, after the Authority has held a public hearing to consider the issuance of such bonds, as one of the acts required in order for the interest on such bonds to qualify for exemption from federal income taxation; and

WHEREAS, the Authority held a public hearing on August 1, 2017 in compliance with the requirements of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), and after such public hearing it adopted a resolution (a) agreeing to undertake the issuance of the Series 2017 Bonds and (b) recommending and requesting that this Council approve the financing and refinancing of the Project with proceeds of the Series 2017 Bonds for the benefit of the Borrower and/or its affiliate(s), to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code; and

WHEREAS, the Series 2017 Bonds, as qualified 501(c)(3) bonds, will be exempt, under Section 146(g)(2) of the Code, from the limitation on the annual volume of obligations the interest on which is exempt from the imposition of federal income tax; and

WHEREAS, a copy of the Authority’s inducement with respect to the issuance of the Series 2017 Bonds, a summary of public hearing statements with respect to the Series 2017 Bonds, and a Fiscal Impact Statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Farmville:

1. That, relying upon the representations of the Authority by its counsel, the recitals in the preambles hereto are found to be true and correct in all respects and are adopted as findings of this Council as if fully rewritten herein.
2. That the Plan of Finance and Refinance proposed to be financed by the issuance of the Series 2017 Bonds by the Authority is deemed appropriate for such financing and, accordingly, this Council approves the issuance by the Authority of the Series 2017 Bonds.
3. That the approval of the issuance of the Series 2017 Bonds, as required by Section 147(f) of the Code, does not constitute an endorsement to a prospective purchaser of the Series 2017 Bonds, the proposed use of the Series 2017 Bonds, or the creditworthiness of the Borrower or its affiliates, and, as required by the Act, the Series 2017 Bonds shall provide that neither the Commonwealth of Virginia nor any political subdivision thereof, including the Town and the Authority, shall be obligated to pay the principal of, premium, if any, or interest on the Series 2017 Bonds, or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Town and the Authority, shall be pledged thereto.
4. That the Town, including the members of Council, its officers, employees and agents, shall not be liable and hereby disclaim all liability for any damage to the Borrower or their affiliates, direct or consequential, resulting from the Authority’s failure to issue the Series 2017 Bonds for any reason.
5. This Resolution shall be in effect from and after its adoption.

BACKGROUND: This matter was continued from the July 12, 2017 Council meeting because the Foundation was requesting additional funds. The Farmville Industrial Development Authority held two (2) public hearings and approved the issuance of the revenue bonds not to exceed \$95 million. Mr. Spates stated there is no liability on the Town and the Town will collect the bond issuance fees.

REQUEST TO AMEND THE RATES OF GRAVE OPENINGS AT WESTVIEW CEMETERY

On motion by Mr. Hunter, seconded by Mr. Reid and with Council members Dwyer, Hunter, Pairet, Cole, Davis and Reid voting “aye”, the motion to amend ordinance #185, Grave Digging, Section 8-10. - Grave digging charges as advertised, was approved.

CHAPTER 8

Sec. 8-10. - Grave digging charges.

The schedule of charges for digging of graves in Westview Cemetery shall be ~~five hundred and fifty dollars (\$550.00)~~ six hundred and fifty dollars (\$650.00) on weekdays for two hours of service and ~~six hundred and seventy five dollars (\$675.00)~~ eight hundred dollars on weekends and holidays for two hours of service. Cremation urns shall be three hundred and twenty-five dollars (\$325.00) on weekdays for two hours of service and four hundred and seventy-five dollars (\$475.00) on weekends and holidays for two hours of service. All services thereafter shall be at one hundred and five dollars (\$105.00) per hour.

BACKGROUND: Council agreed at their July 12, 2017 regular meeting to authorize advertisement of a public hearing on amending the ordinance on grave opening charges at Westview Cemetery. A public hearing was held this evening, and there were no comments.

REQUEST ON BEHALF OF JERICHO BAPTIST CHURCH TO BLOCK OFF A PORTION OF HILL STREET

On motion by Mr. Reid, seconded by Mr. Hunter and with all Council members voting “aye”, the motion to grant the request on behalf of Jericho Baptist Church to block off Hill Street from the Jericho Baptist Church’s driveway entrance to Edmunds Street on Saturday, August 19, 2017 from 6:00 a.m. to 3:00 p.m., was approved.

BACKGROUND: Mrs. Jackie Vaughan submitted a request on behalf of Jericho Baptist Church to block off a portion of Hill Street for holding a yard sale. Mr. Spates stated that similar requests in the past have been approved.

REQUEST ON BEHALF OF ROBERT AND SHERRY MARTIN TO REZONE FOUR (4) PROPERTIES TO RESIDENTIAL DISTRICT R-3A, WITH DENSITY CHANGE AND A REZONING REQUEST ON BEHALF OF WALK2CAMPUS HOLDINGS, LLC

On motion by Mr. Reid, seconded by Mr. Hunter and with all Council members voting “aye”, the motion to refer to the Farmville Planning Commission a rezoning request on behalf of Mr. and Mrs. Robert Martin to rezone their property located at 510 and 504 High Street and 104 and 106 Appomattox Street from Residential District R-3 to Residential District R-3A and to rescind the density requirement in the Residential District R-3A zone; and a request on behalf of Mr. Matt King, CEO of Walk2Campus Holdings, LLC to rezone 37 properties from Residential District R-3, Business District B-1, and Business District B-2 to Residential District R-3 was approved.

BACKGROUND: Mr. Robert and Mrs. Sherry Martin have withdrawn their original request to amend the density of the Residential District R-3 zoning ordinance and have now requested their properties located at 510 and 504 High Street and 104 and 106 Appomattox Street be rezoned from Residential District R-3 to Residential District R-3A, and to rescind the density requirement in the Residential District R-3A zone.

In addition, Mr. Matt King, CEO of Walk2Campus Holdings, LLC has requested that Walk2Campus Holdings, LLC properties located in the vicinity of the Martin properties be rezoned to Residential District R-3A.

Mayor Whitus gave a brief timeline on the process of the rezoning request and the procedures involved.

REQUEST TO OPEN WILCK’S LAKE ISLAND AREA FOR PUBLIC USE

This matter was referred to the Infrastructure Committee.

BACKGROUND: Mrs. Kerry Mossler, resident at 113 Appomattox Street, submitted a letter requesting Wilck’s Lake Island be used as a public park, open to all instead of a rental facility. Currently, Wilck’s Lake Island is rental use only and requires users to submit a rental application and payment.

STANDING COMMITTEE REPORTS

Parks and Recreation, Chairman Cole – no report

Finance and Ordinance Committee, Chairman Davis – no report

Personnel Committee, Chairman Reid – no report

Infrastructure Committee, Chairman Pairet – no report – the Committee will be meeting next week to discuss the following matters: abandonment of an unopened street right of way, the intersection of High, Griffin and Appomattox Streets and Kerry Mossler’s request for Wilck’s Lake Island.

Public Safety, Chairman Hunter – no report

TOWN MANAGER AND STAFF REPORTS – MISCELLANEOUS ITEMS

Mr. Spates presented the following matters:

- VA Probation and Parole Office leases a building from the Town, located at 601 Industrial Park Road, Farmville and has requested that the Town consider expanding the building to accommodate five (5) additional office spaces and a conference room for the VA Probation and Parole Office. The Town built the building in 1998 for the VA Probation and Parole Office, and the has State paid off the debt in 10 years. Mr. Spates stated the Town currently receives \$43,564 a year in rent and the State will pay the lease over a number of years to reimburse the Town.

REQUEST AUTHORIZATION TO HIRE AN ARCHITECT TO PRODUCE PLANS AND ESTIMATED COST TO EXPAND THE PROBATION AND PAROLE OFFICE BUILDING

On motion by Mr. Hunter, seconded by Mr. Davis and with all Council members voting “aye”, the motion to explore hiring an architect to draw up plans and provide a cost estimate to add five (5) additional office spaces and a conference room to the Town’s building located at 601 Industrial Park Road, Farmville was approved.

- Street paving will begin in town the day after Labor Day, September 5th. The streets scheduled to be paved are Second Avenue, Perry Drive, Vernon, Catlin, Third and Irvin Streets. Residents will be notified prior to paving.
- Received a request from Sunset Learning Center for 3 to 4 additional parking spaces. This matter was referred to the Infrastructure Committee.
- Second round of interviews for the Assistant Town Manager will be held tomorrow.

Andy Ellington, Chief of Police, thanked Council and Mr. Spates for their support of National Night Out. He also reported that the Farmville Police Department was presented with the highest award that is given by the United States Secret Service for their participation and services during the Vice-Presidential Debate that was held on October 4, 2016. The award will be displayed in the foyer of the police department.

MAYOR AND COUNCIL MEMBER COMMENTS

Mr. Pairet thanked Robin Atkins and the Public Works Department for their hard work and commented on how well they keep the town looking.

Mr. Davis acknowledged Prince Edward Farmville Youth Association and congratulated organization on sending the three (3) teams to the world series.

Mr. Coles thanked citizens in attendance for expressing their opinion.

Mr. Hunter congratulated the Farmville Volunteer Fire Department for receiving the highest award that is given by the United States Secret Service for their participation and services during the Vice-Presidential Debate that was held on October 4, 2016.

There being no other business, the meeting adjourned.

APPROVED:

ATTEST:

David E. Whitus, Mayor

Lisa M. Hricko, Clerk