REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL  
HELD ON OCTOBER 10, 2018

Mayor Whitus called to order the regular meeting of the Farmville Town Council held on Wednesday, October 10, 2018, at 7:00 p.m., in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia.


Staff present were Town Manager, Gerald Spates; Town Treasurer, Carol Anne Seal; Town Attorney, Gary Elder; Director of Public Works, Robin Atkins; Town Clerk, Lisa Hricko, and Administrative Assistant, Jackie Vaughan.

Mr. Cole led the invocation followed by Mr. Davis leading the Pledge of Allegiance.

The Town Clerk called the role, noting Vice Mayor A. D. Reid absent.

PUBLIC COMMENT PERIOD

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

Ms. Jen Cox, Director of Local & Community Relations, for Longwood University addressed Council with updates for the events taking place on campus. Included in her report was the university’s fall break schedule of October 15th and 16th with the university closed Monday, October 15th. She added that the Virginia Children’s Book Festival would be October 17th – 19th and that the university would host “Lancer 360 Live Open House” for prospective Lancers on Saturday, October 20th and Sunday, November 11th. She then announced that the Upchurch University Center Grand Opening would be Friday, October 26th at 1:15 p.m. and there will be a Housing & Rental Fair on Thursday, November 8th from 11:30 a.m.– 2:00 p.m.

Ms. Cox introduced members of Longwood's Student Government Association. She spoke of the group's wish to be more engaged in state and local government and their desire to attend more Council meetings.

Ms. Jen Cox, as Vice President of the Board of the Farmville Downtown Partnership, addressed Council giving an update of the organization's activities. She stated that the Board would be meeting at the beginning of the week to discuss their direction, goals, and programs. She added that they would also be meeting with the downtown businesses to help with their holiday plans.
and that the Board was gathering information on Council’s request for input from the merchants on parking meter regulations in the downtown area.

**REQUEST APPROVAL OF THE CONSENT AGENDA**

On motion by Mr. Hunter, seconded by Mr. Pairet and with all Council members voting “aye,” the motion was granted to approve the consent agenda as presented. The consent agenda included the draft minutes of the September 5, 2018, regular work session meeting and the draft minutes of the regular September 12, 2018, regular Council meeting.

**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 was granted to approve the Treasurer’s Report as presented.

**BACKGROUND:** Mrs. Seal provided Council with an overview of the monthly Treasurer’s Report.

**REQUEST AUTHORIZATION TO PAY THE BILLS**

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

*Bills Printed in Minute Book*

**REQUEST AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON BEHALF OF MR. FRED PEARSON FOR A CONDITIONAL USE PERMIT**

On motion by Mr. Dwyer, seconded by Mr. Pairet and with all Council members voting “aye,” the motion was granted to accept the recommendation of the Farmville Planning Commission and authorize advertisement of a public hearing on behalf of Mr. Fred Pearson for a conditional use permit to construct a 52-unit apartment development on Vernon Street.

**BACKGROUND:** On September 26, 2018, the Farmville Planning Commission recommended the Council approve the request on behalf of Mr. Fred Pearson for a conditional use permit. Mr. Spates stated on July 10, 2018, the Board of Zoning Appeals approved two variances. One variance of having more than one building erected on any lot or parcel. The second variance was for the lot width of 457 feet, which is less than the section’s minimum required lot width of 815. Mr. Spates stated the housing development would be targeted at college and professional tenants. Mr. Spates stated the development is an allowed use, with a conditional use permit.
REQUEST ADOPTION OF ORDINANCE #190, AMENDMENTS TO CHAPTER 27 TREES AND SHRUBS

On motion by Mr. Cole, seconded by Mr. Pairet and with a recorded vote with Council members Hunter, Vincent, Pairet, Davis, Cole and Dwyer voting “aye,” the motion was approved to adopt Ordinance #190, amendments to Chapter 27, Trees and Shrubs.

Ordinance #190

CHAPTER 27 – TREES AND SHRUBS

Amend:

Rescind:
No person shall plant, remove, or disturb any tree on or within any town street rights of way, park or other public place without first obtaining permission from the town.

Adopt:
(a) The town is not required to cut and/or remove weeds, brush, plants, grass or other vegetation growing in the public alleys, unimproved streets and other unimproved rights-of-way except as provided in section 17-23 of the town’s weed ordinance. The town shall not cut and/or remove weeds, brush, plants, grass or other vegetation growing in the unimproved portion of the public rights-of-way lying between any public street and private property lines except when the weeds, brush, plants, grass or other vegetation grow in such a manner as to obstruct the view of traffic signs, obstruct the view of an intersection or otherwise create a traffic hazard.

(b) If any tree growing in a public alley, unimproved street or other unimproved rights-of-way is dead or is growing in such a manner that the branches, limbs or other parts of the tree extend or protrude onto private property in a manner that constitutes a danger to citizens or property, the town will cut and remove or prune such tree once it has been notified of the condition of the tree. It shall be the responsibility of the adjoining property owner or tenant to notify the town when a tree is growing in such a manner that it needs to be cut and removed or pruned.

(c) Any adjacent property owner, tenant or citizen, at their own expense, may cut and/or remove any weeds, brush, plants, grass or other vegetation growing in the public alleys, unimproved streets and other unimproved rights-of-way and in the unimproved portion of the public right-of-way lying between any public property and private property lines. No person shall cut and remove or prune any tree growing in the public right-of-way without first obtaining a permit from the office of the Town Manager as required in section 27-17.

Adopt:
Sec. 27-17. Required.
No person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or otherwise disturb any tree on any unimproved street or unimproved town-owned property without first filing an application and procuring a permit from the office of the Town Manager. The person receiving the permit shall abide by the arboricultural specifications and standards of practice adopted by this chapter.

Sec. 27-18. Application – When due.
Applications for permits required by the provisions of this article shall be made at the office of the Town Manager not less than 48 hours in advance of the time the work is to be done.

BACKGROUND: Mr. Spates reported that the Town Attorney, Mr. Elder has drawn up the ordinance, which is similar to that of the City of Lynchburg. He stated that the ordinance addresses the responsibility of the upkeep of alleyways.

REQUEST ADOPTION OF THE RESOLUTION #2018.10.01 AMENDING THE 2018-2019 TOWN BUDGET

On motion by Mr. Hunter, seconded by Mr. Davis and with a recorded vote with Council members Vincent, Pairet, Davis, Cole, Dwyer, and Hunter voting “aye,” the motion was approved to adopt the Resolution #2018.10.01 amending the 2018-2019 Town budget.

RESOLUTION #2018.10.01

BUDGET AMENDMENT

WHEREAS, at the reconvened Council meeting held on June 22, 2018, by Resolution, the Town of Farmville approved the FY 2018-2019 Town budget in a total amount of $27,871,389.71; and

WHEREAS, as of June 30, 2018, the Town of Farmville FY 2017-2018 Town budget had a surplus of $747,383.09; and

NOW THEREFORE BE IT RESOLVED by the Farmville Town Council, at its regular monthly meeting, on October 10, 2018, that a total of $747,383.09 be added to the Farmville FY 2018-2019 so that the amended total of the Town of Farmville’s FY 2018-2019 budget shall be $28,618,772.80; and

BE IT FURTHER RESOLVED THAT $747,383.09 shall be appropriated by the Town of Farmville as follows:

$489,847.41 added to the General Fund
$21,379.49 added to the Water Fund
$111,286.45 added to the Sewer Fund
$124,869.74 added to the Transportation Fund
BACKGROUND: Mrs. Seal reported that the Town’s 2017-2018 fiscal year budget had closed out and the 2018-2019 Town budget needs to be amended to add the contingency from the 2017-2018 budget. A public hearing was held tonight with no comments from the public.

CONTINUE – PARKING METERS

This matter was continued pending a report by the Farmville Downtown Partnership.

BACKGROUND: At the September Council meeting, the Town Manager reported that the Infrastructure Committee had discussed changing the parking meter heads in order to accept nickels, dimes and quarters. The cost would be approximately $13.75 per meter, and a nickel would allow 6 minutes and a quarter would allow 30 minutes of parking.

Since currently all parking meters only accept quarters, Council members requested additional information such as how the new parking meter regulations would affect downtown restaurants and patrons, and would the parking meters be enforced 24 hours a day/seven days a week, less holidays. Mayor Whitus asked Council to consider changing metered parking to a .25 cent minimum, with the ability to use nickels, dimes and quarters and asked Ms. Ilsa Loeser, President of the Board for the Farmville Downtown Partnership for the FDP to work with the local merchants on gathering their thoughts on the parking meters fees and enforcement times.

AUTHORIZE TRANSFER OF FUNDS FROM CONTINGENCY FUNDS TO THE FIRE DEPARTMENT FUND

On motion by Mr. Hunter, seconded by Mr. Pairet and with a recorded vote with Council members Pairet, Davis, Cole, Dwyer, Hunter, and Vincent voting “aye,” the motion was approved to accept the recommendation of the Public Safety Committee and the Finance and Ordinance Committee and authorize the Town Treasurer to transfer $7,175.44 from the contingency fund to the Fire and Rescue Department for equipment for the Farmville Volunteer Fire Department First Responder Program.

BACKGROUND: The program will allow Farmville Volunteer Fire Department members to assist with patient care prior to and after the arrival of the Prince Edward Rescue Squad for accidents/incidents within the Town of Farmville. The Department will handle the cost of training their members. The Public Safety Committee and the Finance and Ordinance Committee recommended the town contribute to the “startup cost” for the equipment - $7,175.44.

REFUND PARTIAL PAYMENT OF THE 2018 BUSINESS LICENSE FOR KELLY RENTALS, INC. TRADING AS AARON’S SALES AND LEASING
On motion by Mr. Hunter, seconded by Mr. Cole and with a recorded vote with Council members Davis, Cole, Dwyer, Hunter, Vincent and Pairet voting “aye,” the motion was approved to authorize the Town Treasurer to refund Kelly Rentals, Inc. trading as Aaron’s Sales and Leasing, $1,034.10 of their 2018 Business License, provided their 2018 Business Personal Property is paid. 

**BACKGROUND:** Kelly Rentals, Inc. trading as Aaron’s Sales and Leasing changed ownership effective July 24, 2018. The new owner, Aaron’s, Inc. has already purchased their new Business License.

**REQUEST AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR A CONDITIONAL USE PERMIT ON BEHALF OF MELANIE ADAMS**

On motion by Mr. Davis, seconded by Mr. Vincent and with all Council members voting “aye,” the motion was approved to accept the recommendation of the Farmville Planning Commission and authorize advertisement of a public hearing for a conditional use permit on behalf of Ms. Melanie Adams to operate a daycare facility, with up to eight (8) children from her home located on Milnwood Road.

**BACKGROUND:** At the September 26th meeting, the Farmville Planning Commission held a public hearing and recommended Farmville Town Council approve the request on behalf of Melanie Adams for a conditional use permit to allow for a day school in the basement of her residence which is located at 503 Milnwood Road. The property is zoned Residential District R-1 and allows for day schools and kindergartens with a conditional use permit.

Mr. Spates stated that Ms. Adams would be allowed to have up to eight (8) children at the daycare that will be located on Milnwood Road and of the eight (8), four (4) of the children will be her own.

**CONTINUED – PROBATION AND PAROLE EXPANSION**

This matter was continued pending an update from Assistant Town Manager, Scott Davis.

**BACKGROUND:** At the September Council meeting, members requested a financial worksheet on the probation and parole project. The Assistant Town Manager is still gathering the information to present to Council.

**RATIFYING RESENDING THE DECLARATION OF LOCAL EMERGENCY**

On motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with all Council members voting “aye,” the motion was approved to adopt resolution #2018.10.02 ratifying
resending the state of local emergency made on September 10 and resended on September 19, 2018.

Resolution #2018.10.02

RESOLUTION RATIFYING RESENDING A DECLARATION OF A STATE OF LOCAL EMERGENCY MADE BY THE DIRECTOR OF EMERGENCY MANAGEMENT FOR THE TOWN OF FARMVILLE, VIRGINIA PURSUANT TO VA CODE SECTION 146.21

WHEREAS the Director of Emergency Management for the Town of Farmville declared a state of local emergency on September 10, 2018, due to hurricane Florence; and

WHEREAS on September 19, 2018, the imminent threat of severe weather and loss or interruption of vital Town services posed by the rain and hurricane Florence had passed, and the Director of Emergency Management rescinded the Declaration of Local Emergency.

NOW THEREFORE BE IT RESOLVED that the Farmville Town Council declares that the State of Local Emergency remained in effect until September 19, 2018.

BACKGROUND: Mr. Spates stated the latest local forecast from the Virginia Department of Emergency Management has Farmville receiving approximately 2 to 4 inches of rain, with winds of 30 to 40 mph, Thursday evening into Friday morning. Mr. Spates stated that the town is prepared and ready for the forecasted weather and the shelter will be opened at the sports arena if needed.

ADOPT RESOLUTION OF SUPPORT FOR THE FINANCING AND REFINANCING OF BONDS

On motion by Mr. Cole, seconded by Mr. Davis and with a recorded vote with Council members Cole, Dwyer, Hunter, Vincent, Pairet and Davis voting “aye,” the motion was approved to accept the recommendation of the Farmville Industrial Development Authority and adopt the resolution approving the financing and refinancing of the Authority’s Series 2018 Bonds, with issuance to Longwood University Real Estate Foundation or one or more wholly-owned affiliated entities, not to exceed $150,000,000.

BACKGROUND: Longwood University Real Estate Foundation seeks to refinance the bonds that were issued by the Farmville Industrial Development Authority in 2015 and to issue “new money” bonds (both taxable and tax-exempt), before year-end. The town attorney has reviewed the documents. Mr. Spates explained that the Longwood Real Estate Foundation is refinancing to get a lower interest of 4.5% and new money of $15 million. He also stated that the town would
receive the issuance fee of an estimated $45,000. Adding that the maximum amount the Foundation will be able to borrow is $245,000,000 which includes the amount borrowed to remodel the high-rise dorms. Mayor Whitus stated that the Town is not liable for any monies included in the bonds issued by the IDA.

**REVIEW OF FEE STRUCTURE FOR WATER AND SEWER TAPS REFERRED TO FINANCE AND ORDINANCE COMMITTEE**

Mayor Whitus referred to the Finance and Ordinance Committee the request on behalf of Mr. Eric Arthur, Jr. to consider restructuring the water and sewer tap fees.

**BACKGROUND:** At the September meeting, Mr. Eric Arthur, Jr., with Arthur Properties, LLC addressed Council stating as a developer that has invested in Farmville, Farmville’s water and sewer tap fees are excessive and unfair because they are based on the number of units, not users. He said he purchased six lots on Cedar Avenue and on three of the lots he built six single bedroom units geared towards students. Mr. Arthur spoke of the increased tax base that this project has generated and said for water and sewer service to the six single bedroom units, the cost was $24,000, which was 8% of his construction budget. Mr. Arthur requested Council review the rate structure to make it more equitable for all developers.

**INTERSECTION OF HIGH, OAK AND GRIFFIN**

On motion by Mr. Pairet, seconded by Mr. Hunter and with Council members, Hunter and Pairet voting “aye,” and Council members Dwyer, Vincent, Davis, and Cole voting “no,” the motion directing the Town Manager to proceed with the recommendation by the Virginia Department of Transportation on synchronizing the traffic signals and realigning the intersection of High, Oak, and Griffin, with the change of moving the handicap crossing further down High Street, failed.

Those in opposition to the recommendation to realign the intersection spoke of their desire to look at additional options before moving forward, needing information on the possibility of grant funding for a roundabout, expressing concerns with the flow of traffic, especially the right turn lane which could possibly back up traffic and the report by the Virginia Department of Transportation identifying the intersection as not having a safety issue, meaning it receives a “low priority” rating in grant funding, and as being one of the safest intersections in town a need for changes to the intersection has not been established.
BACKGROUND: Mr. Spates stated the Infrastructure, and the Finance and Ordinance Committee members spoke in support of realigning the intersection. He added that the realignment would be an interim measure until Council decided if the town would seek grant funding for the roundabout. He said that VDOT’s recommendation of realigning the intersection would cut down on the traffic congestion and be safe for pedestrian traffic. The cost to move forward with the realignment would be approximately $17,000, and Mr. Spates stated the funds would come from the street maintenance funds that are already in the budget. Mayor Whitus recommended additional options be evaluated and to look at Oak Street. He also suggested that the residents in the area be included in the discussions. Mr. Dwyer asked that members visit the intersection with staff to have a clearer understanding of the crosswalks and realignment.

Longwood University had introduced the concept of a roundabout at the intersection of Oak, High, and Griffin in their Master Plan. Town and University partnered on an engineering study, and a study was also conducted by the Virginia Department of Transporation. Both studies concluded that this intersection was one of the safest in town. The studies identified the safest option for pedestrian traffic if the intersection was being reconstructed would be to realign the intersection. However, a roundabout would be considered as the most viable option if the intersection was to be reconstructed. Both reports stated the high volume in pedestrian traffic and noted that the pedestrian traffic must be taken into consideration when discussing a roundabout. Mayor Whitus had referred this matter to the Infrastructure Committee and the Finance and Ordinance Committee.

COMMITTEE REPORTS

Parks and Recreation Committee, Chairman Cole - no report
Finance and Ordinance Committee, Chairman Davis – no report
Infrastructure Committee, Chairman Pairet – no report
Public Safety, Chairman Hunter – no report
Town Property/Building, Chairman Dwyer – no report

TOWN MANAGER AND STAFF REPORTS

Mr. Spates reported on the following items:

- Lynchburg VDOT will hold a public hearing on Monday, November 19th at the Rainey Auditorium for anyone interested in the submission of highway projects for their six-year plan.
• The apron project at the airport should be completed by October 20th. Mayor Whitus shared comments he received from some of the pilots that spoke favorably of the improvements and the process in which it was done.

• Members received a copy of a financial report prepared by Ted Cole, Bond Counsel with Davenport & Company. Mr. Spates stated the Town is eligible to refinance some of the higher interest bonds in three (3) years.

• Pedestrian Bridge project will start on October 15th. The surveyors are on site now.

• Thanked Fire Chief Dean Farmer for his hard work and dedication to the department.

• Robin Atkins, Director of Public Works, reminded Council of the Fall Clean Up Campaign scheduled for Monday, October 15 and leaf season will begin shortly.

MAYOR WHITUS AND TOWN COUNCIL MEMBERS COMMENTED ON THE FOLLOWING MATTERS

Council members Dwyer, Hunter, and Vincent, commented favorably on the presentation Mr. Spates made at the recent VML Annual Conference. They all spoke of the excellent well-attended presentation that showcased the town and the many complimentary remarks received from those in attendance.

Mayor Whitus spoke on the following items:

• There will be a Farmville Community Thanksgiving service at Longwood on November 18th at 6:30 p.m. in Blackwell Ballroom. The entire community is invited to attend, and there will be heavy hors-d'oeuvres after the service.

• Council retreat will begin at 10:00 a.m. next Thursday, October 18, 2018. Mayor Whitus advised he will be the facilitator of the retreat and will be sending out communications throughout the week.

• There will be another community meeting to get citizens’ input on the revised Comp Plan on October 23rd at Moton Museum.

CLOSED SESSION

On motion by Mr. Davis, seconded Mr. Hunter and with all Council members voting “aye,” Council went into closed session for discussion with the Town Manager pursuant to personnel, under the exemption provided for in Section 2.2-3711(A)(1) of the Code of Virginia; and Section 2.2-3711.A.29 of the Code of Virginia for the discussion of the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely
affect the bargaining position or negotiating strategy of the public body; and Section 2.2-3711.A.7 of the Code of Virginia for the briefing by staff members and legal Counsel pertaining to probable litigation, where such consultation or briefings in an open meeting would adversely affect the negotiating or litigating posture of the Town of Farmville; and Section 2.2-3711.A.3 of the Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose and the disposition of real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

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 (7)
MOTION: Davis SECOND: Hunter
AYES: Dwyer, Hunter, Vincent, Pairet, Reid, Davis and Cole
NOES: No one
ABSENT DURING VOTE: No one
ABSENT DURING MEETING: No one

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Clerk

REQUEST AUTHORIZATION TO ENTER INTO A CONTRACT WITH EVERBRIDGE, INC.

On motion by Mr. Hunter, seconded by Mr. Davis and with all Council members voting “aye,” Council accepted the recommendation of the Town Manager and agreed to enter into a
contract with Everbridge, Inc. for a mass notification system and to partner with Prince Edward County with the County and Town paying the cost for the system based on population.

**BACKGROUND:** Mr. Spates stated the Town’s contract with CodeRED would expire at the end of December. In researching options, many localities and the Virginia Department of Emergency Management had switched to Everbridge, Inc. as their mass emergency notification system. The service cost less, the program is user-friendly, and the notifications are delivered much quicker. Mr. Spates added that Prince Edward County is interested in partnering with the Town and would financially contribute to the program based on population.

There being no other business, the meeting adjourned.

APPROVED:  

ATTEST:

___________________________________  _____________________________________
David E. Whitus, Mayor                Lisa M. Hricko, Clerk