REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON DECEMBER 12, 2018

Mayor Whitus called to order the regular meeting of the Farmville Town Council held on
Wednesday, December 12, 2018, at 7:00 p.m., in the Council Chamber of the Town Hall, located
at 116 North Main Street, Farmville, Virginia.

Those present were Mayor D.E. Whitus, presiding, and Council members D.E. Dwyer,

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

Mayor David Whitus called the meeting to order. Mr. Davis led the invocation followed
by Mr. Reid leading the Pledge of Allegiance.

The Town Clerk called the roll, noting all members present.

PUBLIC COMMENT PERIOD

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

Mrs. Pattie Cooper-Jones, a Farmville resident, representing the ERA, requested Council
approve a resolution of support for the Equal Rights Amendment to the United States Constitution.
She stated this is an effort to ratify the Constitution for equality and the Equal Rights Amendment
states equality of rights under the law shall not be denied or abridged by the United States or by
any State on sex. This amendment shall take effect two (2) years after ratification. Mrs. Cooper-
Jones presented Council with a list of Virginia localities that had passed a resolution of support
along with a petition signed by citizens of Prince Edward County in support of ratification of the
Equal Rights Amendment.

Ms. Ilsa Loeser, Farmville Downtown Partnership addressed Council on the following
matters: she thanked Mr. Spates and staff for the assistance with the holiday Grand Illumination
and reported that the FDP was able to double non-government contributions this year. Ms. Loeser
also announced there are five new board members on the FDP. Several Board members and a
recruiter met this morning to start a new search for the new Farmville Downtown Partnership
Manager position. Ms. Jen Cox will be the new Board President as of January 1, 2019.
Mr. James Williams, a resident of 600 Isham Rd., Pamplin, VA, addressed Council regarding paving a road in the county. Mayor Whitus referred him to the County Board of Supervisors.

Mr. Adam Yoelin, a resident of 700 High Street, addressed Council to wish all a Merry Christmas and thanked Council for approving the resolution in support of the Equal Rights Amendment.

**ADOPTION OF RESOLUTION IN SUPPORT OF EQUAL RIGHTS AMENDMENT TO THE UNITED STATES CONSTITUTION**

On motion by Mr. Cole, seconded by Mr. Hunter, and with Council members Dwyer, Hunter, Vincent, Pairet, Reid, Davis, and Cole voting “aye,” the motion to adopt the resolution in support of the Equal Rights Amendment to the United States Constitution was approved.

**BACKGROUND:** Mrs. Pattie Cooper-Jones, a Farmville resident representing the ERA addressed Council requesting that they approve passing the resolution in support for the Equal Rights Amendment to the United States Constitution. She stated this is an effort to ratify the Constitution for equality. The Equal Rights Amendment states equality of rights under the law shall not be denied or abridged by the United States or by any State on sex. This amendment shall take effect two (2) years after the ratification.

**PRESENTATION ON THE 2018 TOWN AUDIT BY Creedle Jones AND ALGA**

Ms. Kim Jackson, auditor with Creedle, Jones & Alga, P.C., gave a presentation on the 2018 Town audit. Ms. Jackson stated the Town’s property tax collection rate is approximately 99% for FY18. The total General Fund expenditures increased approximately $1.4 million with Public Safety representing $1.1 million of the difference with the purchase of a new fire truck and new police vehicles. Ms. Jackson reported the ending fund balance for the 2018 Fiscal Year was $4,275,764.00, an increase of approximately $470,000.00 in comparison to the prior year.

**REQUEST APPROVAL OF THE CONSENT AGENDA**

On motion by Mr. Hunter, seconded by Mr. Reid, 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 November 7, 2018, regular Council work session and the draft minutes of the November 14, 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. She stated payment from the Capital Improvement Account was made for in-car cameras for the new police vehicles, leaving a balance of $358,711.01. A payment in the amount of $192,740 from the Street Maintenance Fund was made for the paving of North Main Street, leaving a balance of $100,130.20. In the Airport Fund, revenue was received for the Apron Rehabilitation of $751,613.88.

**REQUEST AUTHORIZATION TO PAY THE BILLS**

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

*Bills Printed in Minute Book*

**BACKGROUND:** Mrs. Seal advised Council that she needed remove an invoice on page 14, Creedle, Jones & Alga that was billed in error in the amount of $3,500.00. After deducting this amount, the correct total for the December bills is $506,937.09.

**REQUEST ON BEHALF OF FRED PEARSON FOR A CONDITIONAL USE PERMIT**

On motion by Mr. Davis, seconded by Mr. Cole, and with a recorded vote with Council members Vincent, Pairet, Reid, Davis, Cole, Dwyer, Hunter voting “aye,” the motion was approved to accept the recommendation of the Farmville Planning Commission and approve the request on behalf of Mr. Fred Pearson for a conditional use permit to construct not more than fourteen (14) multiple-family dwellings consisting of a total of 52 units on Vernon Street, Parcel 023A8-A-26.

**BACKGROUND:** Mr. Davis stated a public hearing was held tonight. At the September 26th meeting, the Farmville Planning Commission held a public hearing and recommended Farmville Town Council approve the request on behalf of Fred Pearson for a conditional use permit to construct not more than fourteen (14) multiple-family dwellings consisting of a total of 52 units on Vernon Street, Parcel 023A8-A-26. 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. The property is zoned Residential District R-3 and allows for multiple-family dwellings with a conditional use permit.

**CONTINUE – PROBATION AND PAROLE EXPANSION PROJECT**

On motion by Mr. Davis, seconded by Mr. Hunter, and with all Council members voting “aye,” the motion to continue the matter of the Probation and Parole office expansion was approved.

**BACKGROUND:** Scott Davis, Assistant Town Manager, reported to Council that he has been in contact with the Office of General Services and plans to schedule a meeting before moving forward on the project.

**CONTINUED - INTERSECTION OF HIGH, OAK AND GRIFFIN**

On motion by Mr. Reid, seconded by Mr. Pairet and with all Council members voting “aye,” the motion was approved to continue the matter of the Oak, High, and Griffin intersection.

**BACKGROUND:** At the November 7, 2018 work session, Council was asked by Mr. Adam Yoelin, a resident of High Street, to delay any decisions regarding the intersection until after the new year. Mr. Pairet, Chairman of the Infrastructure Committee, reported the Committee would continue discussions about the intersection after the first of the year.

**REQUEST ON BEHALF OF FACES FOOD PANTRY – WAIVER OF TAP FEES AND ASSISTANCE WITH SITE WORK**

On motion by Mr. Davis, seconded by Mr. Cole, and with a recorded vote with Council members Pairet, Reid, Davis, Cole, Dwyer, Hunter and Vincent voting “aye,” the motion was approved to accept the recommendation of the Finance and Ordinance Committee authorizing the Town to charge FACES Food Pantry for materials, labor, and equipment to make one water tap and one sewer tap and no assistance for on-site work.

**BACKGROUND:** At the November Council meeting, Mayor Whitus referred this item to the Finance and Ordinance Committee for recommendations. The Committee discussed the request and recommended Council charge FACES for materials, labor, and equipment to make the residential taps and not the out of town tap fees, which would be an additional $7,500 for each. The Committee did not support contributing to the site work.

FACES Food Pantry is constructing a new building next to the YMCA on Commerce Road. The building is going to be 7,000 square feet and located on two and one-half acres of land.
purchased from the YMCA for $40,000. FACES has received a $400,000 grant from the Feed More Foundation. The cost of the project is $700,000. FACES will be raising the difference from local efforts.

**REQUEST ADOPTION OF ORDINANCE #191 – ELECTRONIC SUMMONS SYSTEMS FEE; AMOUNT; ADMINISTRATION**

On motion by Mr. Cole, seconded by Mr. Hunter, and with a recorded vote with Council members Dwyer, Hunter, Vincent Pairet, Reid, Davis and Cole voting “aye,” the motion to adopt Ordinance #191 – Electronic Summons Systems Fee; Amount; Administration was approved.

Ordinance #191

CHAPTER 2

ADMINISTRATION

ARTICLE I. – IN GENERAL

Sec. 2-7. - Electronic Summons System Fee; Amount; Administration

There is hereby imposed, in addition to any other fees prescribed by law, a fine in the amount of $5.00 in each criminal and traffic case in which the defendant is convicted of a violation of any statute of the Commonwealth or any ordinance of the Town in either the General District Court or Circuit Court of Prince Edward County or Cumberland County when the action that gave rise to the criminal charge or traffic violation occurred within the Town of Farmville. The Clerk of the Court in which the action is concluded shall collect the assessment and remit it to the Town Treasurer. The Treasurer shall disburse such funds to the Farmville Police Department for the purpose of funding software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system in accordance with Section 17.1-279.1 of the Code of Virginia, 1950, as amended.

**BACKGROUND:** Mayor Whitus reported the public hearing was held this evening and there were no public comments. Gary Elder, Town Attorney, drafted the ordinance which imposes a fine of $5.00 for each criminal and traffic case where the defendant is convicted in either General District Court or Circuit Court in Prince Edward or Cumberland County. The criminal charge or traffic violation must occur within the corporate limits of the Town of Farmville, and the fines collected must be used for funding software, hardware, and associated equipment costs for implementation and maintenance of an electronic summons system.
REQUEST TO REMOVE FROM THE AGENDA THE REQUEST FOR AMENDMENTS TO BUSINESS DISTRICT B-2 USES

On motion by Mr. Cole, seconded by Mr. Pairet, and with all Council members voting “aye,” the motion was approved to remove from the agenda the request for amendments to the Business District B-2 Uses.

BACKGROUND: Mr. Davis, Assistant Town Manager, stated that the business that was proposing the project has decided not to move forward.

REQUEST ON BEHALF OF ERIC ARTHUR

On motion by Mr. Vincent, seconded by Mr. Hunter, and with all Council members voting “aye,” the motion was approved to accept the Finance and Ordinance Committee recommendation and maintain the Town’s water and sewer tap fees at the present rates.

BACKGROUND: At the November Council meeting, Mayor Whitus referred the request on behalf of Eric Arthur to reduce water and sewer tap fees to the Finance and Ordinance Committee. The Committee reviewed the Town’s fees in comparison to other municipalities. The Committee recommended that the Council retain the present fees.

Mr. Eric Arthur, Jr., with Arthur Properties, LLC, addressed Council in September and spoke fondly of Farmville. He and his wife have invested in Farmville, purchasing six lots on Cedar Avenue and building six single bedroom units on three of the lots, which are geared towards students. Mr. Arthur also discussed the increased tax base that this project has generated. He said, the water and sewer service for the six single bedroom units, was $24,000, which was 8% of the construction budget. He said, Farmville’s tap fees are based on the number of units, not users and described the fees as excessive and unfair. He asked Council to review these rates and change the rate structure to make it more equitable for all developers.

CONTINUED REQUEST ON BEHALF OF POPLAR HILL DEVELOPMENT GROUP, LLC AND HERBERTON POPLAR HILL COMMERCIAL I, LLP FOR BOUNDARY ADJUSTMENT

Mayor Whitus continued a request on behalf of Poplar Hill Development Group, LLC and the Herbeton Poplar Hill Commercial I, LLP for a boundary adjustment into the Town of Farmville until Council can discuss and review maps of the area.
BACKGROUND: Mr. Spates stated that he had received letters from Poplar Hill Development Group, LLC and the Herberton Poplar Hill Commercial I, LLP requesting a boundary adjustment into the Town of Farmville. Will Nash, Town Surveyor, is working on the maps of the area.

REQUEST AUTHORIZATION TO ADVERTISE A PUBLIC HEARING FOR RESOLUTION #2018.12.01 TO AMEND THE 2018-2019 TOWN BUDGET

On motion by Mr. Cole, seconded by Mr. Reid, and with all Council members voting “aye,” the motion was approved to authorize advertisement of a public hearing on Resolution #2018.12.01 amending the 2018-2019 Town Budget.

BACKGROUND: The Department of Aviation has allocated funds that must be spent by June 30, 2019, for the pavement and lighting rehabilitation design of the runway at the Farmville Regional Airport. The total amount of the grant awarded is $389,320.00 with the Federal Aviation Administration awarding 90 percent ($350,388.00) and the Virginia Department of Aviation awarding 8 percent ($31,145.00). The Town of Farmville has a match of 2 percent, which is $7,787.00

COMMITTEE REPORTS

Parks and Recreation Committee, Chairman Cole - Mr. Cole stated he was excited to see the work on the pedestrian bridge progressing despite the weather.

Finance and Ordinance Committee, Chairman Davis – no report
Personnel Committee, Chairman Reid – 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 thanked the Public Works Department, Police Department and Staff for all their hard work during the recent snow storm. He announced that the maintenance issue regarding the pedestrian light at the corner of High and Oak Street, has been repaired. Mr. Spates then asked Council to consider referring or reviewing a policy of installing street lights versus solar-powered street lights. Mr. Spates expressed appreciation to Council for all the support Council gives to the town employees throughout the year.

AUTHORIZE TOWN MANAGER TO SIGN QUITCLAIM DEED FOR 118 N. MAIN STREET
On motion by Mr. Davis, seconded by Mr. Cole, and with a recorded vote with Council members Reid, Davis, Cole, Dwyer, Hunter, Vincent, Pairet voting “aye,” the motion was approved to accept the recommendation of the Town Attorney, and authorize the Town Manager to sign all necessary paperwork related to a Quitclaim Deed for the property previously owned by the Town at 118 N. Main Street.

**BACKGROUND:** Mr. Elder, Town Attorney, explained the Deed restriction placed on the property currently owned by Mr. Kenneth Webber, previously owned by the Town of Farmville at 118 N. Main Street. Mr. Elder reported that the deed restriction is an unnecessary headache for all involved that has no effective purpose, but since it's in the contract, it is valid. Mr. Webber has plans to remove the non-historical awnings at the front of the building, adding eight additional windows on the south side of the building. A separate entrance into the basement of the building will be added to allow access to the mechanical and fire safety equipment. Mr. Elder is recommending Council remove the Deed restriction on this property.

Andy Ellington, Chief of Police, reported that Jordan Seay-Allen was recognized at the Virginia Alcohol Safety Action Program today for the annual DUI award. Ms. Seay-Allen won the award for this region for having over 20 DUI arrest this year.

Robin Atkins, Director of Public Works, thanked Council for all their support for employees.

**MAYOR WHITUS AND TOWN COUNCIL MEMBERS COMMENTED ON THE FOLLOWING MATTERS**

Mr. Vincent stated, he has enjoyed the past six (6) months being on Council and is proud to be a part of the Resolution in support of the ratification by Virginia of the Equal Rights Amendment and spoke of being the father of two (2) girls.

Mr. Cole thanked Mr. Atkins and the Public Works staff for a great job during the recent snow event. He also mentioned receiving several phone calls complimenting the town on how fast the snow was removed from the streets.

**CLOSED SESSION – CONTRACT**

On motion by Mr. Davis, seconded by Mr. Hunter, and with all Council members voting “aye,” Council went into closed session under 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.

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

MOTION:       Davis
SECOND:   Pairet

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

NOES:  None

ABSENT DURING VOTE:  No one

ABSENT DURING MEETING:  No one

REQUEST AUTHORIZATION TO AWARD CONTRACTS

On motion by Mr. Cole, seconded by Mr. Pairet, and with a recorded vote with Council members Dwyer, Hunter, Vincent, Pairet, Reid, Davis and Cole voting “aye,” the motion was approved to authorize the Town to enter into a contract for auditing services with Brown Edwards, CPA and a contract with Longwood University for the Farmville Emergency Communications Center to provide dispatching services to the Longwood University Police Department.

HEART OF VIRGINIA FESTIVAL ENTERTAINMENT

On motion by Mr. Reid, seconded by Mr. Hunter, and with all Council members voting “aye,” the motion to accept the recommendation of the Town Manager and refer the request on behalf of the Heart of Virginia Committee to the Infrastructure Committee, with the power to act was approved. The Heart of Virginia Festival Committee has requested to host the festival evening
entertainment on Friday night at Riverside Park with a small firework display or have the festival evening entertainment on Saturday at the Farmville Regional Airport closing out the evening with a fireworks display.

**CANCEL THE WEDNESDAY, JANUARY 2, 2019 WORK SESSION**

On motion by Mr. Cole, seconded by Mr. Pairet and with all Council members voting “aye,” the Wednesday, January 2, 2019, work session was canceled.

Mr. Davis announced that the Thursday, December 27, 2018 Finance and Ordinance Committee meeting was canceled.

There being no other business, the meeting was adjourned.

APPROVED: _______________________

ATTEST: _______________________

David E. Whitus, Mayor

Lisa M. Hricko, Clerk