REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON DECEMBER 11, 2019

At the regular meeting of the Farmville Town Council held on Wednesday, December 11, 2019, at 7:00 p.m., in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia, there present were Mayor David E. Whitus, presiding and Council members G.C. Cole, D.L. Hunter, B.R. Vincent, T.M. Pairet, D.E. Dwyer, A.D. Reid, and J.J. Davis.

The staff present was the Interim Town Manager, C. Scott Davis; Town Attorney, Gary Elder; Town Treasurer, Carol Anne Seal; Chief of Police, Andy Ellington; Director of Public Works, Robin Atkins; Administrative Assistant, Jackie Vaughan, and Clerk of Council, Lisa Hricko.

Mayor Whitus welcomed guests and announced that Reverend James H. Taylor, with the Jericho Baptist Church, would provide the invocation, followed by the Pledge of Allegiance led by Vice Mayor Reid.

The Clerk of Council called the roll noting all members were present.

Mayor Whitus stated that the Council would like to recognize and honor two (2) of Farmville’s Police Officers that are deemed, heroes. He asked Chief Andy Ellington to come forth to tell the story. Chief Ellington stated that it was an extreme honor to present to Council, the officers of the Farmville Police Department, that have demonstrated an extraordinary act of heroism by risking their own lives without hesitation to save the life of another.

On Thursday, November 14, 2019, at approximately 4:18 a.m., Farmville Police Officers D.P. Foley and O.A. Martin responded to a vehicle on fire in the 1600 block of East Third Street. Officer Foley was the first officer on the scene and observed flames coming from the rear passenger side of the vehicle. He ran to the burning vehicle and finding the driver still in the vehicle unconscious, Officer Foley used his service knife to cut the seat belt and pulled the driver out of the vehicle. Seconds later, Officer Martin arrived on the scene and checked the burning vehicle for additional passengers. Finding no one else inside, she assisted Officer Foley with the driver, pulling the driver a safe distance from the burning vehicle. Chief Ellington added that the quick thinking and actions of the responding officers saved the driver’s life. Mayor Whitus then asked the Clerk of Council to read the resolution.

RECOGNITION OF VALOR – OFFICER FOLEY AND OFFICER MARTIN
On the motion by Mr. Pairet, seconded by Mr. Reid and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the Council adopted the resolution of recognition for the brave and heroic actions of Officer D.P. Foley and Officer O.A. Martin.

RESOLUTION OF RECOGNITION
FOR THE BRAVE AND HEROIC ACTIONS
OF FARMVILLE POLICE OFFICER D.P. FOLEY AND OFFICER O.A. MARTIN

WHEREAS, in the early morning hours of Thursday, November 14, 2019, Farmville Police Officers D.P. Foley and O.A. Martin responded to a 911 call dispatched by Farmville Emergency Communications to a single motor vehicle accident in the 1600 block of East Third Street; and

WHEREAS, Officer D.P. Foley was the first officer to arrive on the scene; and

WHEREAS, upon arrival, he witnessed the back half of the passenger side consumed in fire and heavy smoke; and

WHEREAS, Officer Foley approached the vehicle and discovered an unconscious female in the driver's seat; and

WHEREAS, he immediately cut the seat belt and began removing the woman from the vehicle; and

WHEREAS, moments later, Officer O.A. Martin arrived on scene and quickly checked the burning vehicle for other occupants, and finding none, she and two other brave citizens assisted Officer Foley in moving the woman to a safer distance from the burning vehicle; and

WHEREAS, the Farmville Volunteer Fire Department and EMS arrived on scene to assist with the vehicle fire and to provide medical assistance to the driver.

NOW, THEREFORE BE IT RESOLVED, the swift and courageous actions by Officer Foley and Officer Martin speak to their bravery and dedication to their profession and this community.

BE IT FURTHER RESOLVED, that the Farmville Town Council and the Farmville community express their sincere gratitude for the selfless actions and heroism demonstrated by Officer Foley and Officer Martin.

Adopted this 11th day of December 2019
RECOGNITION OF EMPLOYEES WITH 25 YEARS OF SERVICE

Mayor Whitus asked the Interim Town Manager, Scott Davis, to introduce the employees being recognized for the 25 years of employment with the Town of Farmville. Mr. Davis introduced the six (6) employees and gave a brief history of their employment with the Town.

Osborne “Sonny” Carter worked for the Public Works Department on the street maintenance crew since May of 1994 and recently retired from the town.

Kathy Gagen is the Superintendent of the Town’s Water Plant. She started with the Town in May of 1994 as an operator at the Water Plant.

Jackie Gilbert is the Chief Dispatcher of the Town’s 911 Center. She started with the town as a dispatcher in June of 1994.

Lisa Hricko is the Town’s Clerk of Council. She started with the Town in December of 1994, as the Supply Room Clerk at Public Works.

Bennett “Sandy” Meador is the Superintendent of the Town’s Wastewater Treatment Plant. Sandy has been with the Town since June of 1994, and he started with the town as an operator at the plant.

Charles “Chuck” Robertson is an operator at the Town’s Wastewater Treatment Plant. Chuck has been with the Town since February of 1994, and he is licensed to operate both the water and wastewater plants.

2018 – 2019 TOWN AUDIT REPORT

Mr. John Aldridge, CPA, and partner with Brown Edwards, the Town of Farmville’s new financial auditing firm, addressed the Council. Mr. Aldridge stated Farmville’s 2018-2019 Town Audit had been completed. Earlier this evening, he met with the Finance and Ordinance Committee
and had detailed conversations about the Town’s financial report and audit. Mr. Aldridge stated the Town received a “clean opinion,” which is the highest level of assurance that can be given on a financial report. Mr. Aldridge said since the Town receives federal funds, as part of the audit process, the Airport Improvement project was reviewed, and he was pleased to announce that no issues of non-compliance were found. He added that as a by-product of the audit, a management letter is issued, the letter provides recommendations for the management to look at, which will help improve the process for next year. Mr. Aldridge stated that the State Code requires he present the audit findings at a public meeting and asked if there were any questions.

**PUBLIC HEARINGS – NOISE CONTROL ORDINANCE, MOTORIZED MOBILITY DEVICE ORDINANCE AND CONDITIONAL USE PERMIT ON BEHALF OF THE LONGWOOD REAL ESTATE FOUNDATION**

Mayor Whitus announced the public hearing and the Clerk of Council read the following public hearing notice:

Public Hearing Notice

The Farmville Town Council will hold a public hearing beginning at 7:00 p.m., on Wednesday, December 11, 2019, in the Council Chamber, located on the second floor of the Town Hall, 116 North Main Street, Farmville Virginia to hear citizen comments on the following requests:

Rescind Town Code Chapter 16—Noise Control and adopt proposed Chapter 16 – Noise Control. Due to the length of the ordinance, it is not published as part of this notice; and

Amend Town Code Chapter 23 to establish regulations for the use and rental of motorized skateboards and scooters, electric personal assistive mobility devices, or electric power-assisted bicycles. Due to the length of the ordinance, it is not published as part of this notice; and

A conditional use permit on behalf of Longwood University Real Estate Foundation to build and operate a university-related facility on partial parcel 023A03(11)02-007 also shown on the 1934 Town Maps as lot numbers, 221310, 221311, 221312, 221316, 221315, part of 221313 and 221313A, and part of Old Redford Street. This property is zoned Residential District R-3-A when not owned by the Commonwealth, which requires a conditional use permit for university-related facilities.

Copies of the ordinances may be obtained or reviewed by contacting the Town Manager’s Office at (434) 392-5686 or by visiting the Town’s website at www.farmvilleva.com.

The Farmville Town Council will discuss and consider the requests following the public hearing. Any person(s) wishing to comment on the above matter should plan to attend this meeting. Questions and comments may be directed to the Town Manager’s Office, 116 North Main Street,
PO Drawer 368, Farmville, Virginia, 23901, or by calling (434) 392-5686, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

It is the intent of the Town to comply with the Americans with Disabilities Act. Should you need special accommodations, please contact the Clerk of Council, at (434)392-5686, prior to the meeting.

**PUBLIC COMMENT PERIOD**

Mr. Nash Osborn addressed the Council, asking if the noise ordinance was going to be read aloud. The Interim Town Manager stated the Town does not read ordinances aloud. Mr. Nash then asked if he could speak after the others.

Mr. Ross Fickenscher addressed the Council on behalf of the Hotel Weyanoke concerning the proposed noise ordinance and its language. Mr. Fickenscher stated everyone has a right to quiet enjoyment, and it should not be restricted to specific times, depending on the day of the week. The Hotel Weyanoke, as well as many businesses, depends on its reputation, and the continued problems that the hotel is experiencing with excessive noise are unexceptionable. Law enforcement has been invited to the guest rooms and they too have experienced the excessive noise. Mr. Fickenscher referred to Section 16.3 (A) of the proposed ordinance stating 11:00 p.m., Sunday through Wednesday and 12:00 a.m., Thursday through Saturday is not reasonable. Asking why a resident of Farmville could not expect quiet enjoyment within their home at 9:00 p.m.? If restricted times are to be included in the proposed ordinance, then the Hotel Weyanoke finds nothing acceptable less than a 9:00 p.m. cut off Sunday through Thursday and 10:00 p.m., Friday through Saturday. Mr. Fickenscher stated the noise ordinance speaks to the geographical area of the entire Farmville community. The Hotel Weyanoke is in a district that includes business and primary residential properties.

In closing, Mr. Fickenscher said the Hotel Weyanoke and the Farmville community need the tools to preserve their right to quiet enjoyment and the tools to protect their interest and property investments. He asked Town Council to take the necessary steps to ensure that Farmville can continue to be a place where people enjoy living and a place where they have certain rights and remedies towards quiet enjoyment of their homes and businesses.

Mr. Matt Hurley, with the North Street Press Club, addressed Town Council regarding the proposed noise ordinance. Mr. Hurley stated he thought that he, as well as other businesses, would have had an opportunity to offer suggestions on the proposed noise ordinance. He said he feels the
current ordinance and the proposed ordinance are vague. Questioning how can a level of noise be determined by a police officer, resident, or guest staying at the Hotel Weyanoke? He spoke of noise complaints on different days of the week when nothing has changed. What one person deems loud may not be loud to his next-door neighbor and expressed concern that a ticket can be issued because of an opinion.

Mr. Hurley stated he spoke very openly to the Town about opening a night club and restaurant, and there was no conversation about the noise. He said he is proud of his restaurant and recognizes that noise is an issue and noted that Nash Osborn has been proactively working on the matter. He asked that time be given to work through some issues before a decision is made by Town Council.

Mayor Whitus noted that the proposed noise ordinance had been advertised and posted on the Town’s website. The Finance and Ordinance Committee had been working with the Town Attorney, and there have been several meetings where the proposed ordinance had been discussed.

Mr. Nash Osborn, with the North Street Press Club, addressed the Council. He said the restaurant wants to be a good neighbor. During this past month, the North Street Press Club has put in place several things to address the sound issue. The stage is covered with ¾” rubber matting, and acoustical foam is covering the rear windows. The sound engineer has adjusted the levels of music, the back-patio doors are now closed, and a professional acoustical engineer will be on-site Friday to discuss additional ways to absorb the sound. Managers are equipped with decimal readers, and regularly go outside to monitor the music – to date, the decimal readers have not registered any noise louder than what would be considered “traffic noise.” He said he has reviewed the proposed noise ordinance and has no issues with its language; but has concerns with its enforcement, describing it as ambiguous and subjective.

No others were signed up to speak, and Mayor Whitus returned the Council to the regular order of business.

**APPROVAL OF THE CONSENT AGENDA**

On the motion by Mr. Hunter, seconded by Mr. Vincent and with all the Council members voting “aye,” the consent agenda was approved.

**APPROVAL OF PAYMENT OF THE BILLS**
On the motion by Mr. Reid, seconded by Mr. Hunter and with a recorded vote with Council members Hunter, Vincent, Pairet, Dwyer, Reid, Davis, and Cole voting “aye,” the Town Treasurer was granted authorization to pay the bills as submitted.

**Bills Printed in Minute Book**

**AUTHORIZATION TO TRANSFER $500,000 FROM THE SET ASIDE FUND TO THE GENERAL FUND AND APPROVAL OF THE TREASURER’S REPORT**

On the motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the Council approved the Treasurer’s Report and authorized the Town Treasurer to transfer $500,000 from the Set Aside Fund to the General Fund. The Set Aside Fund is to be reimbursed as the Town receives reimbursements from the grant projects.

**BACKGROUND:** Mrs. Seal, Town Treasurer, provided a brief overview of the Treasurer’s Report. The Unrestricted Funds has a negative $185,125.94 balance in the General Fund. The Town is due approximately $834,000 from VDOT, which includes the Traffic Signal grant, Milnwood Road Project Grant, two (2) requests on the Buffalo Creek Project Grant and $144,752 from VITA. She advised that of the $834,000 due from VDOT, $368,000 is for the Milnwood Road Grant, and at this point in the project, the Town has reached the local fund contribution of $271,516.

Mrs. Seal provided Council options to help the General Fund stay out of a negative balance. The first option is to transfer $500,000 from the Set Aside Fund to the General Fund and keep up with the amount due to the Set Aside Fund. The second option is not transferring the monthly payment to the Set Aside Fund starting in January and make monthly accounting entries of the missed payments. Mr. Scott Davis explained that multiple grant projects require the town to pay the funds upfront and receive reimbursements because the Town administers the grants. He suggested that the Council consider allowing VDOT to administer the grants so that funds do not have to be paid upfront and then the Town wait for reimbursement.

**BOUNDARY ADJUSTMENT AND PROBATION AND PAROLE EXPANSION**

On the motion by Mr. Reid, seconded by Mr. Davis and with all Council members voting “aye,” the Council accepted the recommendation of the Interim Town Manager and agreed to remove from the agenda the request for a voluntary boundary adjustment and the probation and parole expansion project.
BACKGROUND: Mr. Davis, Interim Town Manager, stated he is working with the Probation and Parole on options, and both the voluntary boundary adjustment and the expansion of the Probation and Parole office are projects that require much time.

SPLASH PAD UPDATE

Mr. Vincent, Chairman of the Recreation Committee, reported that the Committee met with representatives from the Piedmont Area Veterans Council regarding the splash pad project. At that meeting, members agreed to visit the Town of Altavista, which has recently built a splash pad. The Committee, along with the Interim Town Manager, visited Altavista and met with the Town Manager and the Director of Public Works. Mr. Vincent stated the meeting was very informative, adding that Farmville’s splash pad project is still in the planning stage.

Mayor Whitus stated it’s a very exciting project, and there is much community interest.

ADOPT RESOLUTION 2019-12-01 RESCIND AND ADOPT TOWN CODE CHAPTER 16, NOISE CONTROL

On the motion by Mr. Cole, seconded by Mr. Hunter and with a recorded vote with the Council members Cole, Hunter, Vincent, Pairet, Reid, and Davis voting “aye,” and Council member Dwyer, voting “no,” the Resolution 2019-12-01, Ordinance #192, rescinding and adopting Town Code, Chapter 16, Noise Control, was approved.

WHEREAS, The Town of Farmville adopted Chapter 16, Noise Control on December 9 of 2009; and

WHEREAS, since 2009, The Town of Farmville’s commercial and residential development has expanded, along with an increase in off-campus student housing; and

WHEREAS, The Farmville Town Council recognizes that it is essential to be fair to the residents of the community and the businesses; and

WHEREAS, to ensure clarity and enforcement of the ordinance, the Farmville Town Council recognizes the need to strengthen its Noise Control Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Council of The Town of Farmville, this 11th day of December 2019, Chapter 16, Noise Control adopted in 2009 is rescinded and Chapter 16 Noise Control, Section 16-1 through Section 16-4 is adopted, as follows:
CHAPTER 16

NOISE CONTROL

Sec. 16-1. - Noise—Loud, etc—Prohibited.

No person shall create any loud or disturbing noise in the town. Noise of such character, intensity or duration as to be detrimental to the life or health of any person or to disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

Sec. 16-2. — Enumeration.

The following acts, among others and without limitation, are declared to be loud and disturbing noises in violation of section 16-1.

(a) — Playing any radio, phonograph or musical instrument in such a manner or with such volume or duration, particularly during the hours between 12:00 midnight and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in or on the property of any dwelling, hotel or other type of residence.

(b) — Allowing any animal or bird to cause frequent or long-continued noise that disturbs the comfort and repose of any person in the vicinity to an extent that constitutes a nuisance.

(c) — Creating any excessive noise on any street adjacent to any school, institution of learning or court while it is in session, or adjacent to any hospital at any time, which interferes with the workings of such school, institution or court or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in the streets indicating that the street is a school, hospital or court street.

(d) — Shouting of vendors, or the ringing of bells, which disturbs the peace and quiet of the neighborhood.

(e) — Using any drum, loudspeakers or other instrument or device to attract attention to any performance, show, sale or display of merchandise, by creating noise.

(f) — Playing or permitting the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is audible from outside the motor vehicle at a distance of fifty (50) feet or more. This provision shall not apply to sirens, loud speakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

(g) — Creating loud and excessive noise in residential areas before the hour of 5:00 a.m. in connection with the loading or unloading of refuse or waste collection vehicles.

Sec. 16-3. — Same—Operation of musical devices in certain locations and times.

No person shall, between the hours of 9:00 p.m. and 7:00 a.m. of the following day, play any musical device within two hundred (200) yards of any building of another occupied as living quarters:
(1) While the musical device is outside of a building;

(2) While the musical device has the aperture of its sound box directed at and within ten (10) feet of an outside opening to the building where the musical device is located;

(3) While a loudspeaker attachment to the musical device is on the outside of any building;

(4) While the loudspeaker attachment, if inside any building and the aperture of the loudspeaker attachment is directed at and within ten (10) feet of any outside opening of the building where the loudspeaker is located; however, this section shall not be construed to affect the operation of any automobile radio when such radio is installed in an automobile and operated therefrom.

Sec. 16-4. - Violations of chapter.

Any person who violates any provision of this chapter shall be deemed to be guilty of a class 4 misdemeanor.

CHAPTER 16

NOISE CONTROL

Sec. 16.1- Definitions

(a) **Unreasonably loud:** Noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace or good order. The following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise is related to the normal operation of a business or other labor activity and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(b) **Disturbing:** Noise which is perceived by a person of ordinary sensibilities as interrupting the normal peace and calm of the area. In determining whether a noise is unreasonably loud and disturbing, the following factors incident to such noise are to be considered: time of day; proximity to residential structures; whether the noise is recurrent, intermittent, or constant; the volume and intensity; whether the noise has been enhanced in volume or range by any type of electronic or mechanical means; the character and zoning (if applicable) of the area; whether the noise is related to the normal operation of a business or other labor activity and whether the noise is subject to being controlled without unreasonable effort or expense to the creator thereof.

(c) **Property boundary:** An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

(d) **Plainly audible:** any sound for which the content of that sound is unambiguously communicated, such as, but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.
Sec. 16.2. – Unreasonably Loud and Disturbing Noises Prohibited

No person shall create any unreasonably loud or disturbing noise in the town. Noise of such character, intensity or duration as to be detrimental to the life or health of any person or to disturb or annoy the quiet, comfort or repose of any person is hereby prohibited.

Sec 16.3. – Enumeration

The following acts, among others and without limitation, are declared to be loud and disturbing noises in violation of section 16-2.

(A) The playing of any music or other noise, whether electronically or otherwise, in such a manner or with such volume or duration, particularly during the hours of 11:00 p.m. and 7:00 a.m. the following day, Sunday through Wednesday, and 12:00 midnight and 7:00 a.m. the following day, Thursday through Saturday, as to be plainly audible through the walls of an enclosed dwelling, business or other structure.

(B) Allowing any animal or bird to cause frequent or long-continued noise that disturbs the quiet, comfort or repose of persons in or on the property of any nearby dwelling, hotel or other type of residence.

(C) Creating any excessive noise on any street adjacent to any school, institution of learning or court while it is in session, or adjacent to any hospital at any time, which interferes with the workings of such school, institution or court or which disturbs unduly annoys patients in the hospital, provided conspicuous signs are displayed in the streets indicating that the street is a school, hospital or court street.

(D) Playing or permitting the playing of any radio, stereo, tape player, compact disc player, loud speaker or other electronic device or mechanical equipment used for the amplification of sound, which is located within a motor vehicle and which is audible from outside the motor vehicle at a distance of fifty (50) feet or more. This provision shall not apply to sirens, loudspeakers and emergency communications radios in public safety vehicles, nor shall it apply to motor vehicle alarms or other security devices.

(E) Creating loud and excessive noise in residential areas between the hours of 9:00 p.m and 7:00 a.m. the following day in connection with the loading or unloading of refuse or waste collection vehicles.

(F) Creating loud noises generated by the operating or causing to be operated of any equipment or hand tools used in construction, repair, alteration, or demolition work between the hours of 9:00 p.m. and 7:00 a.m. the following day.

(G) Creating loud noises generated by the repairing, rebuilding, or modifying of any motor vehicle or other mechanical device in residential use districts between the hours of 9:00 p.m. and 7:00 a.m. the following day.

Sec 16.4 – Violations of Chapter
Any person who violates any provision of this chapter shall be deemed guilty of a Class 4 Misdemeanor.

BE IT FURTHER ORDAINED that this ordinance shall be effective on and after the date of its adoption.

BACKGROUND: Town Council members discussed various details of the proposed noise control ordinance. Discussion included questioning why the proposed ordinance had specific timeframes. Mr. Elder, the Town Attorney, stated his assumption would be that typically people are immune to noise during certain hours and generally have the expectation that particular hours will be void of loud and disturbing noises. Mr. Davis, Interim Town Manager, explained that the proposed ordinance Section 16.2(A) states, “particularly during the hours…”, which does not exclude times other than those listed for enforcement. The question arose regarding enforcement. Mr. Elder said the violation has to be allowed by the State Code, and a noise violation is a class 4 misdemeanor; if found guilty, it carries a fine of up to $250.00. The Council also questioned the language of “excessive noise,” saying it is subjective, and it leaves it up to the perception of the police officer. Conversations continued with members commenting on noise decimal readers, and questioning what determines “loud, sustained noise.”

Mr. Elder stated the noise ordinance has been one of the most challenging ordinances to draft because it does have a degree of subjectiveness. Mr. Dwyer said he didn’t feel he could vote on the noise control ordinance until the sound engineer met with Mr. Osborn from the North Street Press Club. Mr. Davis, as Chairman of the Finance and Ordinance Committee, stated that the Committee has been working with the Town Attorney and Chief of Police over several weeks on the proposed noise control ordinance. He said it’s a community issue, it’s not an issue just dealing with one or two businesses. The ordinance has been written and designed to cover the Town of Farmville. The Interim Town Manager stated, as a reminder, this topic did not rise from the two businesses that addressed Town Council this evening. It came from the other side of the town, from an entertainer that was playing music outside of the building. He was directed to stop playing the music, and he questioned the current noise ordinance.

ADOPT RESOLUTION 2019-12-02 TOWN CODE CHAPTER 23, ARTICLE III, USE AND RENTAL OF MOTORIZED MOBILITY DEVICES
On the motion by Mr. Davis, seconded by Mr. Hunter and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the motion was approved to adopt the Resolution 2019-12-02, Ordinance #193, Town Code Chapter 23, Article III, Use and Rental of Motorized Devices.

RESOLUTION 2019-12-02
ORDINANCE #193
ADOPT CHAPTER 23.

ARTICLE III, USE AND RENTAL OF MOTORIZED MOBILITY DEVICES

WHEREAS, The Town of Farmville seeks to establish regulations for the use and rental of motorized skateboards and scooters, electric personal assistive mobility devices, or electric power-assisted bicycles; and

WHEREAS, technological advances have created new transportation options, such as electric power assisted bicycles and motorized skateboards and scooters, that offer multiple modes of transportation while potentially reducing automobile dependency and carbon emissions; and

WHEREAS, the Town must ensure that the use of these devices does not obstruct public rights of way and that their operation throughout the Town is not at the expense of public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Town of Farmville, that Chapter 23 of the Town Code is hereby amended by adding new sections this 11th day of December, 2019 as follows:

CHAPTER 23
ARTICLE III: USE AND RENTAL OF MOTORIZED MOBILITY DEVICES

DIVISION I: Rules and Regulations Governing the Use of Motorized Mobility Devices by Individuals

Sec. 23-36. - Regulations for the use of electric power assisted bicycles, motorized skateboards or scooters, and electric personal assistive mobility devices.

a. No person shall use (i) a motorized skateboard or scooter or (ii) an electric personal assistive mobility device on any town sidewalk.

b. No person shall operate an electronic personal assistive mobility device at a speed faster than fifteen (15) miles per hour.
c. No person shall park (i) a motorized skateboard or scooter or (ii) an electric personal assistive mobility device in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

d. No person shall operate a motorized skateboard or scooter at a speed faster than 20 miles per hour.

e. Electric power assisted bicycles and motorized skateboards or scooters must meet the safety standards in the Code of Virginia (currently § 46.2-1015), requiring both (a) a headlight and (b) a taillight.

f. No person shall operate an electric power assisted bicycle at a speed faster than 25 miles per hour.

g. As used in this article, the term “motorized skateboard or scooter” means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) is designed to allow an operator to sit or stand, (ii) is powered in whole or in part by an electric motor, (iii) weighs less than 100 pounds, and (iv) has a speed of no more than 20 miles per hour on a paved level surface when powered solely by the electric motor. “Motorized skateboard or scooter” includes vehicles with or without handlebars but does not include “electric personal assistive mobility devices.”

h. As used in this article, “electric power assisted bicycle” means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider and ceases to provide assistance when the bicycle reaches a speed of no more than 20 miles per hour.

i. As used in this article, “electric personal assistive mobility device” means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device’s maximum speed to 15 miles per hour or less.

Sec. 23-37. – Penalties.

a. Any person violating this section shall be liable to the town for a civil penalty of twenty-five dollars ($25.00).

b. If a person charged with a violation does not elect to pay the civil penalty within fourteen (14) calendar days, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provide for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

DIVISION II – Regulations Governing the Operation of Shared Mobility Systems

Sec. 23-38. - Permit Application Procedures.
a. Any person seeking to operate a shared mobility system within the Town shall first obtain a Permit from the Town Council, conditioned on compliance with the Operating Regulations contained in this ordinance. The Permittee will be required to obtain a business license and will be responsible for all applicable local fees and taxes.

b. No person shall operate a shared mobility system within the Town without a Permit. Any person who operates a shared mobility system without a permit shall be subject to a civil penalty not to exceed one thousand dollars ($1,000.00) for each violation within the discretion of the court. Each day of violation shall constitute a separate offense.

c. The Town Manager or the Manager’s designee, may revoke any Permit without prior notice for failure to comply with the Operating Regulations.

d. Any person whose Permit application has been denied, or whose Permit has been revoked or terminated, may file an appeal with the Town Manager by submitting a written statement to the Town Manager within 10 business days of the denial or revocation. The written statement shall describe the basis of the objection. The Town Manager shall issue a final decision on the appeal within 10 business days. Any Permittee whose Permit has been revoked may not apply for another Permit within six months and the permittee must remove all shared mobility devices from any public place in the Town within 48 hours.

Sec. 23-39. - Operating Regulations.

The following subsections set forth the general terms and conditions that will be required in any Permit issued by the Town:

a. Equipment Requirements

   i. All bicycles and electric power-assisted bicycles must meet the standards established in the Code of Virginia (currently § 46.2-1015), including lighting during operation in darkness.
   
   ii. All motorized skateboards or scooters shall meet the safety standards established in the Code of Virginia (currently § 46.2-1015), requiring both (a) a headlight and (b) a taillight.
   
   iii. Each shared mobility device must be equipped with an on-board GPS device capable of providing real-time location.
   
   iv. The Town may increase or decrease the permitted top speed of any shared mobility device at its discretion.
   
   v. An operator identifier must be permanently affixed to each mobility device.
   
   vi. All motorized skateboards or scooters and all electric power-assisted bicycles must be equipped with devices that allow the permittee to render by remote means a device inoperable if it has been reported to Permittee as being damaged or defective.

b. Operation
i. Each Permit shall designate the specific number of shared mobility devices that the Permittee may deploy in the Town.

ii. The Town Manager reserves the right to order the removal of all devices due to weather or other local situations, events, or emergencies for up to 48 hours. If not removed in a timely fashion, the Town will use a contracted towing company to remove the devices. The Permittee will then be responsible for paying the towing service a reasonable fee for each device removed as well as any storage fees.

iii. Permittees must be aware of and plan for Town or Longwood University events, providing additional staffing, rider education/awareness, and temporary no-ride and no-park zones as necessary.

iv. Permittees shall provide administrative access for Town police to relocate devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

c. Safe Riding and Parking
   
i. Motorized scooters, as well as bicycles and electric power assisted bicycles, must be parked upright on hard surfaces in a manner that does not obstruct or impede the public right of way.

ii. Devices are to be parked in such a manner as to provide a 4-foot pedestrian clear zone area in the sidewalk.

iii. Devices cannot be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; utility pole or box; or the reasonable use of any commercial window display, or access to or from any building.

iv. Shared mobility devices cannot be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.

v. The Town Manager, or the Manager’s designees, reserves the right to determine certain areas where parking is permitted or prohibited. The Town will apply visible markings to identify areas where shared mobility devices may be parked.

vi. Shared mobility devices shall not be parked adjacent to or within:
   
   1. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
   2. Loading zones;
   3. Disabled parking zones;
   4. Street furniture that requires pedestrian access (for example – benches, parking pay stations, bus shelters, transit information signs, etc.);
   5. Curb ramps; or
   6. Driveways.
vii. To the extent a Permittee desires to park bicycles or e-scooters on Town property other than the public right-of-way (e.g., parks, plazas, parking lots, transit stations, or private property), the Permittee must first obtain the right to do so from the Town Manager.

viii. Permittees shall stop placing scooters or bicycles, or allowing contractors to place scooters or bicycles, in front of any address provided by the Town to Permittee within 48 hours of notice.

ix. Any shareable mobility device found to be in violation of this section is subject to removal; the Town will use a contracted towing service to remove the device, and the Permittee will then be responsible for paying the towing service a reasonable fee for each device removed as well as any storage fees. The Town shall provide notice of removal within twenty-four (24) hours of removal.

x. Permittees shall provide notice to all users by means of signage and through a mobile or web application regarding the following:

1. Helmets are strongly encouraged for all users and required for minors 14 and under. If Permittees prohibit use of shared mobility devices by certain minors, Permittees shall provide conspicuous notice of this policy to users;
2. Parking must be done in designated areas;
3. Wearing headphones while riding a shared mobility device is prohibited; and
4. Operating a shared mobility device while texting or while under the influence of alcohol or other intoxicants is prohibited.

xi. As part of renting a device Permittees must require users to acknowledge and accept the Town’s operational and parking rules.

d. Customer Service

i. Permittees must provide easily visible contact information, including a telephone number and e-mail address, on each shared mobility device for Town employees and members of the public to make relocation requests or to report other issues with devices.

ii. Permittees must maintain a local Permittee representative and provide a direct point of contact to the Town and its residents.

iii. Permittees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the Town.

iv. Upon notification that a Permittee’s shared mobility device is improperly parked or left unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the Town, the Permittee must remove the scooter or bicycle within two hours.

v. Permittees shall provide all riders with a mechanism to report safety or maintenance issues with a scooter or bicycle.
vi. In the event that a safety or maintenance issue is reported for a specific device, the shared mobility device shall immediately be de-activated and shall be removed within the timeframes provided herein. Any inoperable or unsafe devices shall be repaired before it is put back into service.

e. Data Sharing

Without prejudice to a Permittee’s rights to, and interest in, its commercially privileged and sensitive information, Permittees agree to provide the Town the following types of data in a monthly report: Total active customers, number of trips in the Town each month, average trip duration times, number of devices in service, GPS tracking data for every trip route, crashes (giving time, date, and location), injuries, and complaints.

The specific data to be provided by the Permittee will be stated in the Permit.

f. Insurance:

The Permittee will be required to purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits:

1. Worker’s Compensation – Statutory requirements. This policy shall specifically list Virginia as a covered state.

2. Employer’s Liability - $100,000. This policy shall specifically list Virginia as a covered state.

3. Commercial General Liability - $1,000,000 per occurrence. The Town and its officers, employees, agents and volunteers must be named as an additional insured and so endorsed on the policy.

4. Automobile Liability - $1,000,000 per occurrence. (Only used if motor vehicle is to be used in the agreement.)

5. All insurance coverage:
   i. shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and otherwise acceptable to the Town;
   ii. shall be kept in force throughout performance of services; and
   iii. prior to performance, the Permittee shall (i) have all required insurance coverage in effect; (ii) the Permittee shall deliver to the Town certificates of insurance for all lines of coverage, or other evidence satisfactory to the Town in its sole discretion.
Nothing contained within this agreement shall effect, or shall be deemed to affect, a waiver of the Town’s sovereign immunity under law. No permit awarded as a result of this procurement transaction shall contain any provisions requiring the Town to waive or limit any sovereign or governmental immunity to which it may be entitled.

The Town reserves the right, but not the obligation, to revise any insurance requirements as may be necessary for the best interests of the Town, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the Town reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

DIVISION III – Signs.

The following subsections set forth the general terms and conditions that will be required for signs of any kind in the Town:

(a) No person shall erect, place or maintain any sign in, over or upon any public street, sidewalk, public right-of-way or other public property in the town, except for the following signs:
   (1) Signs of a noncommercial nature erected on public property authorized or required by law, including, but not limited to, directional signs, regulatory signs, warning signs, and informational signs.
   (2) Other signs expressly allowed to be located on public property by ordinance or resolution of the town council.

(b) Any sign permitted by this section shall be subject to all applicable codes, ordinances, standards, specifications and other requirements of law pertaining to the sign.

(c) The town manager or the manager’s designee shall have the authority to remove any sign determined to be in violation of this section. After reasonable notice, unclaimed signs may be destroyed. In addition, a violation of any provision of this section shall constitute an infraction punishable by a civil penalty in the amount of two hundred and fifty dollars ($250.00) for each day that a violation continues.

BE IT FURTHER ORDAINED that this ordinance shall be effective on and after the date of its adoption.

BACKGROUND: Mr. Davis, Interim Town Manager, reported that at a recent Virginia Municipal League Conference, he had learned that effective January 1, 2020, the State will have legislation in place regulating the permits and use of electric scooters. For the Town to be able to permit the use of electric scooters, they must adopt an ordinance before January 1, 2020. He said from working with the Town Attorney and also gathering information from other localities, the proposed ordinance was drafted. The Finance and Ordinance Committee has reviewed the proposed ordinance and supports its adoption.
REQUEST FOR A CONDITIONAL USE PERMIT ON BEHALF OF THE LONGWOOD REAL ESTATE FOUNDATION

On the motion by Mr. Hunter, seconded by Mr. Pairet and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” Town Council agreed to accept the recommendation of the Farmville Planning Commission and grant a conditional use permit to the Longwood Real Estate Foundation to build and operate a university-related facility on parcels 023A03(11)02-007, also shown on the 1934 Town maps as lot numbers, 221310, 221311, 221312, 221316, 221315, part of 221313 and 221313A, and part of old Redford Street.

BACKGROUND: The property is located in the middle of the campus. The description of the parcel identified is currently being occupied by tennis courts, and other open space beside Willett Hall, and is the potential location of the Joan Perry Brock Center. The university filed a quitclaim deed on a portion of this property to the Foundation. Once a parcel is not owned by the Commonwealth of Virginia, the entity (the Foundation) must comply with Town’s zoning ordinances. This property is zoned Residential District R3-A, and a conditional use permit is required. The Interim Town Manager stated the Farmville Planning Commission has recommended approval of the conditional use permit. Adding that the Joan Perry Brock Center will be an asset to the community.

REQUEST TO CANCEL THE JANUARY 1, 2020 COUNCIL WORK SESSION MEETING

On the motion by Mr. Reid, seconded by Mr. Hunter and with all Council members voting “aye,” the Wednesday, January 1, 2020, Council work session meeting was canceled.

REQUEST ADOPTION OF RESOLUTION APPROVING THE FARMVILLE AREA BUS TITLE VI PROGRAM

On the motion by Pairet, seconded by Mr. Davis and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the Council adopted Resolution 2019-12-03, Approving the Farmville Area Bus Title VI Program.

RESOLUTION 2019-12-03
FARMVILLE AREA BUS
TITLE VI PROGRAM

A RESOLUTION ACCEPTING THE FARMVILLE AREA BUS SYSTEM 2019 TITLE VI PROGRAM
WHEREAS, the Federal Transit Administration has made acceptance of a Title VI program every three years mandatory in order to receive funding; and

WHEREAS, the Town of Farmville receives Federal Transit Administration operating assistance for the Farmville Area Bus; and

WHEREAS, the Farmville Area Bus develops policies, programs, and practices that ensure federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

NOW, THEREFORE, BE IT RESOLVED, by the Farmville Town Council that the Town of Farmville accepts the 2019 Title VI program for public transit programs.

DATED AND EFFECTIVE THIS 11TH DAY OF DECEMBER 2019.

BACKGROUND: The Farmville Area Bus receives funding from the Federal Transit Administration. As a requirement of receiving funding, every three (3) years the Farmville Area Bus must review and update its Title VI Program.

REQUEST AUTHORIZATION TO ADJUST WATER AND SEWER BILL

On the motion by Mr. Cole, seconded by Mr. Hunter, and with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the Council directed the Town Treasurer to credit $457.28 on the water/sewer account of Alpha Bail Bonds located at 540 Industrial Park Road.

BACKGROUND: Mrs. Seal, Town Treasurer, informed the Council that Mr. Rob Johnson, owner of Alpha Bail Bonds, located at 540 Industrial Park Road, is requesting an adjustment to the water/sewer bill due to underground leaks at the property. Mrs. Seal stated the initial leak was repaired, and the bill was adjusted. However, due to increased pressure on the line, another leak occurred resulting in increased water usage over a two-month billing cycle. Town Council’s policy is that the Town Treasurer may grant one adjustment per billing year, per customer – any other adjustments must be approved by Town Council. The policy was adopted in May of 2009, Council members, suggested the adjustment policy revisited.

STANDING COMMITTEE REPORTS

Finance and Ordinance Committee, Chairman Mr. Davis— no report
Personnel Committee, Chairman Mr. Reid—no report
Infrastructure Committee, Chairman Mr. Pairet—no report
Public Safety Committee, Chairman Mr. Hunter—Fire Department dinner Saturday evening at the Sports Arena.

Town Property/Building Committee, Chairman Mr. Dwyer—no report

Prince Edward County Rescue Squad, Mr. Cole (Council’s representative)—Five candidates were interviewed for the Executive Director position. The selection process has been narrowed down to two candidates. The committee anticipates having Executive Director in place by the end of January.

Recreation Committee, Chairman Mr. Vincent—Expanded on the Recreation Committee’s visit to the Town of Altavista. Altavista is similar in size to Farmville, less the university. He said visiting the splash pad site was very informative. It gave them a clearer understanding of the type of facility for Farmville. The Committee has been working with the Piedmont Area Veterans Council and the Interim Town Manager on crafting a concept to present to Town Council.

**INTERIM TOWN MANAGER AND STAFF REPORTS**

Mr. Davis, Interim Town Manager reported on the following matters:

*Employee Holiday Luncheon*—Reminded and invited Town Council to the Employee Holiday Luncheon, on Friday, December 20, from 11:30 a.m. – 2:00 p.m., at the Sports Arena. The Babcock House was the recipient of the bid and will be providing the lunch;

*The Berkley Group*—will be holding an Informational Meeting for the public on the Comprehensive Plan, Zoning & Subdivision Ordinance update, on Wednesday, December 18th, 2019, from 6:00 p.m. to 7:30 p.m.

*Capital Improvement Program and budget process*—January begins the process for the fiscal year 2020-2021. Department heads will receive procedures for planning out the Capital Improvement Program and budget process, the information will be due back by the end of January;

*Paypoint HR*—working on job descriptions and hopes to have a draft report to the Town sometime around the first of the year. They are on target to have everything completed by the middle of January.

*Auction*—Looking at a potential auction in January with three police vehicles, two public work trucks, one bus, one Yukon and three camper shells – minimum bids will be set on each equipment/item;

*Fireworks and pool repairs*—In January, there will not be a work session, but conversations need to begin about the fireworks and the pool. There will be an increase in the cost
of fireworks because the Town will need to hire a company to shoot the fireworks and there is a possibility that the airport will be under construction and a new site will need to be located. There will also need to be conversations about what the Council wants to do about the repairs to the pool.

*Heart of Virginia Festival* – met with Susan Sullivan and discussed the festival. The Board is in agreement that the Town should have a seat on the Board. Council agreed that the Interim Town Manager should appoint the staff member.

**APPOINTMENT OF TOWN REPRESENTATIVE ON THE HEART OF VIRGINIA BOARD**

On the motion by Mr. Cole, seconded by Mr. Davis and with all Council members voting “aye,” the Council agreed to the Interim Town Manager selecting the staff member to represent the Town on the Heart of Virginia Board.

*Holiday Information*—previously, a question arose on the cost to close the Town Offices for 1 ½ hour for all employees to attend the holiday luncheon, Mr. Davis, Interim Town Manager stated due to essential staffing positions: dispatch, police department, water treatment and wastewater treatment the cost to the Town would be approximately $1,400. He reported the closing of the Town Offices during inclement weather cost the Town roughly $7,300 a day.

The Interim Town Manager stated Town Council had noted that the Town holiday schedule follows the State for approved holidays. The State and the Town Offices are closed on December 24 and 25, Christmas Eve and Christmas. The State is closed on January 1, New Year’s Day, however, the Town is closed on December 31 and January 1, New Year’s Eve and New Year’s Day. Mr. Davis, Interim Town Manager, stated the Town’s approved holidays are in the Employee Handbook and part of the Town Code, and the current holiday schedule will need to be followed. The Interim Town Manager noted that State employees received 13 ½ holidays this year, and Town employees received 15 ½ holidays. The difference is Town employees receive New Year’s Eve and Easter Monday. Mayor Whitus referred the matter of employee holidays to the Finance and Ordinance Committee for further discussions.

Robin Atkins, Director of Public Works, thanked Town Council for the employee holidays and benefits awarded to Town employees. He stated that leaf pick-up is running well, and the town has experienced a few minor water breaks due to the shift in temperatures. The Ed Cleaner’s building has been torn down and removed. Hopefully, the pavers will be here in January, adding that he anticipates 21 parking spaces will fit on the property.
Police Chief Andy Ellington thanked Town Council for the Town employee holidays and the holiday bonus. He also commented on the actions by the officers of the Farmville Police Department, saying he was very proud of their teamwork. He informed the Council that the department will be applying for a USDA grant/loan for the department’s radios replacement. The grant will require a match from the Town, and the information will be presented to the Council at the first of the year.

**COMMENTS BY THE MAYOR AND MEMBERS OF TOWN COUNCIL**

Mr. Reid asked Town Council to consider sponsoring a table at the 2020 Moton Museum annual banquet. The cost for a table is $375.00.

**SPONSORSHIP OF THE 2020 MOTON MUSEUM ANNUAL BANQUET**

On the motion by Mr. Dwyer, seconded by Mr. Hunter and with a recorded vote with Council members Cole, Hunter, Vincent, Pairet, Dwyer, Reid, and Davis voting “aye,” the Council supported the recommendation by Mr. Reid and agreed to sponsor a table at the annual Moton Museum banquet in February of 2020.

**BACKGROUND:** Council members spoke in support of sponsoring the annual Moton Museum banquet.

Mr. Cole reported that he was contacted by a resident expressing safety concerns with the crosswalk at North Main Street by the trail. Mr. Cole stated that he had shared the concerns with Chief Ellington and Mr. Davis, Interim Town Manager, and they are looking at options.

Mr. Pairet thanked Chief Ellington and the Farmville Police Department for their actions in reducing crime in Farmville and the adjacent counties.

Mayor Whitus addressed the Council. He said he recently attended the Longwood University Board of Visitor’s meeting, and the Board members were delighted with the working relationship between Longwood and the Town. He said they spoke of how much that relationship had improved over the last seven years. Mayor Whitus reported that Mr. Kim Payne with the Berkley Group informed him that the Farmville Town Manager position had been posted for a week and they had already received five applicants, and they clearly think that the town will receive several applicants for the position.

**CLOSED SESSION – SECTION 2.2-3711(A) (1) OF THE CODE OF VIRGINIA**

On the motion by Mr. Davis, seconded by Mr. Hunter and with all Council members voting “aye,” the Farmville Town Council convened in closed meeting pursuant to the Code of Virginia,
in accordance with the provisions of paragraph a.1 of section 2.2-3711, discuss the performance of the interim town manager, specifically personnel matters related to the director of recreation position.

Mayor Whitus called for a five (5) minute recess before entering the closed session.

On a motion by Mr. Davis, seconded by Mr. Hunter 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: Seven

MOTION: Davis SECOND: Hunter

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

NOES: None

ABSENT DURING VOTE: No one

ABSENT DURING MEETING: No one

____________________________________
Clerk

There being no other business, the meeting adjourned.

APPROVED: ATTEST:
David E. Whitus, Mayor

Lisa M. Hricko Clerk