

**REGULAR WORK SESSION OF THE FARMVILLE TOWN COUNCIL**  
**HELD ON JULY 1, 2020**

At the regular work session of the Farmville Town Council held on Wednesday, July 1, 2020, at 11:00 a.m., in the Council Chamber of the Town Hall, 116 North Main Street, Farmville, Virginia, there were present Mayor D. 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 S.O. Amos.

Staff present were Town Manager C. Scott Davis, Town Attorney Gary Elder, Chief of Police Andy Ellington, IT Support Ashley Atkins, and Deputy Clerk Jackie Vaughan.

Mayor Whitus called the meeting to order.

The Deputy Clerk called the roll noting all members were present.

**DISCUSSION OF THE CONFEDERATE MONUMENT – NEXT STEP**

At the reconvened Council meeting held June 18, 2020, Council approved the removal of the confederate soldier from the confederate monument located at the intersection of High and Randolph Streets. The statue is to be preserved and stored until Council, in consultation with various community groups and citizens, can determine a plan for final disposition of the soldier and the base of the monument.

The Town Manager asked the Town Attorney, Gary Elder, to attend the work session today to give clarification on new legislation regarding memorials for war veterans and to speak about the possible next step for Council regarding the monument that was removed.

Mr. Elder addressed Council stating the new law that takes effect on July 1, 2020, is the Code of Virginia §15.2-1812. Memorials for War Veterans. He said the code section deals with localities governing their own monuments and whether to keep, remove or relocate them. He then gave Council a synopsis of the law and the options Council may have. The Town Attorney said according to the new law, there is a procedure to follow:

- First Council will need to decide whether they wish to remove, relocate, contextualize, or cover the monument;
- If Council wishes to do something with the monument, they will need to publish an intent in a newspaper of general local circulation, and the notice must specify the time and place of a public hearing in which interested persons may express their views;
- The public hearing must occur within 30 days of the date the notice was published. He said the Code does not specify how many times the notice must run in the newspaper;

- After the public hearing, Council must vote on removing, relocating, contextualizing, or covering the monument. They can also decide to do nothing at all.

Mr. Elder stated if Council elects to remove, relocate, contextualize, or cover the monument, there are rules in the Code they must follow:

- Council must, for at least 30 days, offer the monument or memorial for relocation and placement to any museum, historical society, government, or military battlefield;
- If none of the listed entities take the monument within the 30 days, then Council can decide the final disposition of the monument or memorial.

Mr. Elder also noted that prior to Council holding a public hearing or offering the monument to a qualifying entity, they could petition the judge of the circuit court having jurisdiction over the locality for an advisory referendum to be held on the question of whether to remove, relocate, contextualize or cover the monument.

Mr. Elder stated the legislation is poorly drafted and stated that a sitting judge will have to give clarification and explain following questions he has for the new law:

1. According to the Code if the Council elects to hold a public referendum, they must do so prior to holding a public hearing and the public referendum is only for advisory purposes. He said the Code does not say if Council must still go through with a public hearing if they elect to do a public referendum. Mr. Elder suggested that if Council decides to put the matter on a public referendum, they first seek judicial clarification on the matter.
2. Whether the referendum is advisory or bidding.
3. If Council wanted to relocate the monument, they must first offer it to a museum, historical society, government, or military battlefield for 30 days. Mr. Elder said it makes no sense to give the monument away when you only want to move it a couple of blocks away.

Discussions then continued. Council directed the Town Attorney to contact the Commonwealth of Virginia Attorney General's Office to seek clarification and an advisory opinion on the new legislation as it relates to the Town of Farmville.

### **DISCUSSION OF COVID 19 – GOVERNOR'S PHASE III**

The Town Manager stated the Governor's Phase III for the COVID-19 pandemic begins today July 1, 2020, and gave a brief update on the plans to reopen Town buildings to the public. He said he would like to reopen the Town Hall on Monday with limited access to the offices until he can get some protection for the staff in place. Mr. Davis said the Treasurer's Office is equipped

with the glass partitions between the staff and the public. Everyone that enters the building for business transactions will be directed to report to the Treasurer's Office, and when assistance from other departments are needed, staff in the Treasurer's Office will notify the appropriate department to come to the Treasurer's Office. The Town Manager stated everyone entering the building must wear a mask, as suggested by the Centers for Disease Control and the Governor.

The Town Manager said in addition to the Town's traditional cleaning, he would like to extend the contract with the company that has been providing deep cleaning services three days a week in the Town Hall. He said there may be an opportunity to be reimbursed for the cleaning by Prince Edward County with CARES Act money.

The Town Manager asked Council for suggestions about opening Town rental facilities. He said Phase III would allow gatherings of up to 250 people but still require social distancing and wearing a facial mask. Council members expressed concerns about being able to monitor the number of people at the facilities during an event and the deep cleaning required between each use. They decided not open rental facilities at this time.

**DISCUSSION OF SUSPENSION OF CONVENIENCE FEES, THE WAIVER OF PENALTIES AND INTEREST, AND SUSPENSION OF DISCONNECTION OF WATER**

At the April 1, 2020, work session, Council authorized the Town Manager and Treasurer's Office to suspend collection of convenience fees, waive penalties for late water and sewer payments, waive food and lodging penalties and interest, and suspend disconnection of residential or commercial water, for up 90 days in arrears, from April 1, 2020 until June 30, 2020. Council said they would re-evaluate the matter by July 1, 2020.

The Town Manager explained the suspension and waiver period expired on June 30, 2020, and the Treasurer would need Council's direction on whether to continue. He expressed concern for water and sewer accounts that are over the 90 days arrears and their ability to bring their account current. Mrs. Carol Anne Seal, Town Treasurer, reported there nine accounts that owe five bills, January – May, and 28 accounts that owe four bills, February – May, for a total of \$9,239.26. The Town Manager reiterated that the COVID-19 pandemic is still impacting people financially.

Council directed the Town Treasurer to reach out to delinquent accounts to offer payment options to bring accounts current, and agreed to authorize the Town Treasurer to continue to suspend collection of convenience fees, waive penalties for water and sewer late payments, waive

food and lodging penalties and interest, and suspend disconnection of residential or commercial water for 90 days in arrears. They will re-evaluate the matter in 30 days.

**DISCUSSION OF SUSPENSION OF DELINQUENT ACCOUNTS RECEIVABLE NOTICES**

At the April 1, 2020, work session, Council directed the Town Attorney to suspend sending collection notices for delinquent accounts receivable until June 30, 2020. The Town Manager asked if Council wanted the Town Attorney to resume sending notices to delinquent accounts receivable.

Council agreed to continue with the suspension of delinquent accounts receivable notices for an additional 30 days.

**UPDATE ON VIRGINIA RETIREMENT SYSTEM (VRS)**

At the March 4, 2020, work session, Council approved granting the Town Manager authorization to proceed with a study, with a cost not to exceed \$3,000, of the Virginia Retirement System benefit for Town employees.

The Town Manager stated he had contacted a representative at the Virginia Retirement System (VRS), and they have several options from which to choose. He has written them a letter for review. He will send a formal letter seeking an actuarial study to determine if VRS is an affordable option for the Town and our employees. The Town Manager mentioned three options for Council to consider:

- The Town joining VRS with employees earning prospective service; including the enhanced hazardous duty benefit, with the 1.70% multiplier;
- The Town granting up to five years of prior service with the Town, including the enhanced hazardous duty benefits, with the 1.70% multiplier;
- The Town granting all prior service rendered with the Town to their employees, including the enhanced hazardous duty benefits, with the 1.70% multiplier.

The Town Manager mentioned that each option is drastically different in cost, but he wanted Council to see the difference. He said the Town must give VRS an interested date in joining, and the study is valid for twelve months from the date the actuarial study is provided. The Town Manager noted when the Town first joins VRS, individuals that are currently retired from VRS can opt not to participate in the Town's VRS, but all other current and future employees must participate in the plan.

He stated after he submits the formal letter, the next step is to supply VRS with requested information for all the Town employees and then the process begins with a third-party actuary.

### **UPDATE ON TRANSPORTATION ITEMS**

The Town Manager updated the Council on several transportation projects as follows:

- The Main and Milnwood Road project punch list is complete except for one item, the contractor still must remove a traffic light pole;
- The application for the Green Tea project, located at Griffin and Main, has been conditionally accepted. They still need additional information in the full application that is due in a few months. VDOT will be assisting the Town with submitting the additional information needed. The Green Tea project will help with the flow of the traffic at Main and Griffin Boulevard and will assist with the safety of the corridor;
- The proposed roundabout project was accepted without conditions. Mr. Davis stated the project will need a resolution by the governing body to be considered in the application process.

Mr. Davis advised that it would be beneficial for Council to hold public hearings on the projects, and the project applications will need resolutions to be considered in the application process. He said the public hearing will be scheduled for August 12, 2020, regular Council meeting.

The Town Manager informed the Council that the Virginia Department of Health has awarded the Town of Farmville Water Treatment Plant the Gold Award for 2019. He mentioned that this is only the third time the Town has received a Gold Award. The other two times were in 2010 and 2014.

### **DELINQUENT FOOD AND LODGING TAX ACCOUNTS**

The Town Manager stated the Finance and Ordinance Committee met on June 30, 2020, to discuss delinquent food and lodging taxes. He said there are four businesses in Town that are delinquent on their food and lodging taxes, and the Town is not currently charging them interest and penalties. One of the four businesses has been delinquent on their taxes since February, and the Committee agreed to mention the matter to the full Council. The Town Manager asked Council for their approval to charge interest and penalties to the one business that was delinquent for February. The Committee recommended the Treasurer contact the business to set a minimum

amount to pay, along with their current amount due, with the goal of the business being current on their taxes by December 2020.

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

Mr. Pairet spoke regarding the free parking on Main Street. He stated he feels employees of businesses on Main Street are taking advantage of the complimentary parking. At the April 1, 2020, work session, Council agreed to offer free parking at the parking meters during the COVID-19 pandemic. Council decided to continue with the free parking for an additional 30 days. Mayor Whitus asked the Town Manager to contact downtown businesses to advise employees that the free parking is for patrons.

Mr. Reid inquired if there is a suggestion or complaint box available to Town employees. The Town Manager replied, no there is no suggestion or complaint box available for employees. Mayor Whitus suggested the Town Manager ask the new Human Resource consultant for a recommendation on a possible suggestion box for employees.

There being no other business, the meeting was adjourned

APPROVED:

ATTEST:

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David E. Whitus, Mayor

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Jacqueline B. Vaughan, Deputy Clerk