

REGULAR WORK SESSION OF THE FARMVILLE TOWN COUNCIL
HELD ON MAY 1, 2024

At the regular work session of the Farmville Town Council held on Wednesday, May 1, 2024, at 6:00 PM, in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia, there were present Mayor Brian Vincent, presiding, and Council members A.D. “Chuckie” Reid, Daniel Dwyer, Tommy Pairet, Adam Yoelin, Donald Hunter, and John Hardy.

Staff present were Town Manager Scott Davis, Finance Director Julie Moore, Chief of Police Andy Ellington, Community Development Director and IT Support Ashley Atkins-Austin, and Clerk of Council Mary McKay.

Mayor Vincent called the meeting to order and welcomed all.

The Clerk called the roll, noting Council member Sallie Amos as absent.

ADOPTION OF AGENDA

Mr. Hardy made a motion to adopt the agenda as presented, seconded by Mr. Hunter, and with all in favor stating “aye”, the motion passed.

DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest made.

PRESENTATION BY VDOT ON SMART SCALE PROJECTS

VDOT Engineer Raina Rosado reported that she is the Project Manager for the Route 15/Griffin Boulevard project known as a Continuous Green-T project. Ms. Rosado stated the purpose for addressing the Council was to provide an update and report on some alternatives for consideration. A slideshow was presented of a location map of the intersection of South Main Street and Griffin Boulevard. Larger scale drawings were also provided. Key items were noted such as minimizing the impacts to the Moton Museum, commercial and residential parcels surrounding the intersection, and the number of accidents that have occurred. From a total of eight options initially, the two alternatives mentioned were a Conventional and Continuous Green-T option. A description and review of the Green-T option was provided. It was mentioned that the estimate for the current project for Continuous Green-T with the addition of two total property takes and the right-of-way in utility, has increased approximately \$130,000.

The Town Manager provided the two options to continue with the Green-T intersection; ask for additional funds from the Transportation Board or come up with the additional funds over what the state has approved for funding the project.

Ms. Rosado continued by providing a description of an alternative, which is a more conventional approach in an effort to stay within the budget.

Council member Pairet asked if the two parcels referenced as being taken would still be considered with the Conventional alternative with Ms. Rosado advising only a small area of right of way is needed for a utility strip.

The goal is to close the scoping for the project in June 2024, and a decision would be needed whether to go with a conventional approach or continue with the Green-T option. A decision to go with the conventional approach would require a change to the Smart Scale scope.

It was mentioned that the pedestrian traffic with the Conventional option stays relatively the same, with both options addressing safety concerns. A comparison for the amount of delay was given for both of the options, 27 seconds with a Green-T, and 22 seconds with the Conventional.

Ms. Rosado noted the difference of the raised median with the Green-T option and if the residential property discussed as a total take were rezoned to commercial, she thinks developing that parcel could potentially be difficult because whoever comes in must be okay with a right-in and a right-out only for the property.

Town Manager Davis referenced a similar intersection, where the four-way intersection is at Putney, Redford, and Main Streets. As an example, if Putney Street were removed going north on Main Street, with the left turn only into Longwood University's campus, and going straight in the right lane, that's exactly what this intersection would be on Main Street at Griffin Boulevard with the Conventional option.

Additional discussion was held on the traffic coming from Burger King with the Green-T option. Council member Hardy asked about the residence with the driveway in front next to Burger King and mentioned if five feet were taken away, there may not be room to park which may be an issue.

Ms. Rosado advised this area has been reviewed and would be part of the design process in how that parcel functions and trying best to accommodate.

Council member Dwyer asked with the Conventional alternative, if there would still not be a right on red when coming up Griffin Boulevard to make a right onto South Main Street, or if the right-hand turn is enhanced in any way.

Ms. Rosado noted being in the early stages of the design work.

Discussion was held concerning other options that would require additional funding and were not within this specific scope. Options were eliminated because there was too much impact on the area. Also, the cost estimate allows for inflation, with Ms. Rosado adding the estimate could decrease once getting more into the design.

Ms. Rosado concluded by advising the scoping closes at the end of June with the next step being a resolution stating such if the Council chooses to go with the Conventional option, or they will continue to move forward with the Green-T option. To meet the June target date, a resolution would be needed at the May 8, 2024, Regular Council meeting.

Mayor Vincent reviewed the options that the Council could ask for additional funding, which is unlikely, absorb the additional costs, or move onto the Conventional alternative.

From an inquiry made by Council member Pairet, Ms. Rosado reported the right of way figure in the Conventional option includes the possibility of Burger King asking for concessions.

The Town Manager asked if a VDOT template could be provided with Ms. Rosado advising one will be sent to him.

FINANCE REPORT

Finance Director Julie Moore provided a report for March 2024. The revenue compared to the budget should be approximately 75%, nine months into the budget year, however, is slightly below that percentage. There is some revenue which is ARPA money that hasn't been reported yet until the end of the fiscal year, and some budgeted items as previously explained that aren't true revenue which can't be recognized. Revenue compared to the previous year is above last year in every fund except the airport fund, as reimbursements were received last year from a large project at the airport and this year there is not. Expenses are well below 75% with a few departments that still are slightly over but decreasing each month. Expenses compared to the prior year are slightly above last year again due to some large purchases made this year such as the Splash Pad, an ABM payment, and ARPA purchases. There were also two buses purchased from the transportation fund this year.

**DISCUSSION OF LAND BANK ENTITY AND RECEIVERSHIP FOR CONDEMNABLE
PROPERTIES**

Town Manager Davis reported on the land bank topic with the initial discussion beginning with Council member Yoelin and someone he knows who has done the process in the past in other states, however, not in Virginia. The Council was advised that Michael McCullough was present to provide details of how the process works, and that he and Town Attorney Gary Elder worked together on the proposed ordinance. State Code *15.2 Counties, Cities and Towns* was referenced, specifically, *Chapter 75 Land Bank Entities Act*, that authorizes the Town to adopt an ordinance to establish a Land Bank Entity. Two provisions were also referenced, *15.2-7501 Creation of land bank entities by localities*, and *their purpose of assisting the locality to address vacant, abandoned, and tax delinquent properties*, and *15.2-7512 Designation of planning district commission or existing nonprofit entities to carry out the functions of a land bank entity*, and allows a locality to adopt an ordinance from a public hearing designating a planning district commission or an existing nonprofit entity and its governing board to carry out the functions of a land bank entity.

The process would serve as another optional tool for the Town to use in that a land bank could fix up a property, instead of condemning, tearing down, and placing a lien to get reimbursed.

Michael McCullough addressed the Council and reported that he is President of Virginia Receivership Group, which is a for-profit company, and Commonwealth Land Bank of Virginia, a non-profit. A detailed review of the use of a land bank to address vacant, abandoned, tax delinquent and derelict properties was provided to the Council. An ordinance has been drafted for consideration by the Council.

Town Manager Davis advised that the process does not work for commercial properties and must have a residential component. Mr. McCullough mentioned mixed-use properties and advised if the property is a dwelling, then it qualifies for the receivership remedy, even if the property is also commercial use or even primary commercial use. He continued with an explanation on the private financing.

Council member Hardy asked if a property must be vacant or what if there is a tenant or multiple owners.

Mr. McCullough advised that apartment buildings could qualify as part of the plan. Suitable housing for the tenants would be found for as long as it takes to remediate the property, and the costs would be part of the award.

Council member Dwyer asked if the property is not deemed worthy of renovation and is torn down, what happens to the lot at that point.

The Town Manager advised the same steps to be taken are as done now. The Land Bank probably wouldn't get involved in the demolition unless the sale of the property is of great value. The Town would revert back to the traditional method of tearing the structure down and putting a tax lien on the property.

Town Manager Davis added if the Council agrees tonight to move forward, the topic will be taken to Public Hearing for the regular meeting held in June. If the ordinance is approved, Town staff would handle from there and not have to come back before Town Council.

Mr. Dwyer also asked what the Commonwealth Land Bank gets out of it.

Mr. McCullough advised that the non-profit doesn't earn any money from this. The fees that are awarded for the actions and activities of the Land Bank would pass through to his company, Virginia Receivership Group, which is a for-profit, so that he can pay staff and himself a fair rate of return. Fees are earned by submitting bills to the court. The court reviews then approves the bills for payment.

DISCUSSION ON DELINQUENT MEALS TAX POLICY

Finance Director Julie Moore reported on the draft policy provided and the goal to bring forward a new policy for the next couple of months to provide structure and to have guidance on each step allowed to take by ordinance and state code, should there be an issue in the future.

The Town Manager added that the draft policy has been reviewed by the Town Attorney with no changes being made.

DISCUSSION ON CONDITIONAL USE PERMITS

Town Manager Davis provided an update from the latest discussion on the ability to have food trucks, or mobile restaurants as noted in the ordinance. Clarification was made concerning having food trucks at a person's house for a birthday party. The code section was referenced, "shall not apply to mobile restaurant vendors at catered events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer." He added for the record, that you don't have to get a conditional use permit for the usage of a food truck at a birthday party, it's when you're doing business and selling to the public.

The definition for a mobile restaurant was provided. Approved conditional use permits run with the land and not the property owner. Conditions may be set including operational timeframes

but for this property and in general, a suggestion was made that the Council look at rezoning a portion of the properties that front on Griffin Boulevard. A diagram was reviewed showing 25 total parcels. The zoning for R-3 allows for some of the uses already, that don't fit in the current zone of R-1, but the usage of a conditional use permit in R-3 is still suggested. Leaving the area zoned as R-1 with a conditional use permit opens it up for use in other neighborhoods within town. The parcels depicted in red on the diagram were reviewed and it was suggested to look at rezoning those parcels, and then also making a change in the zoning ordinance to where in R-3, you can have a conditional use permit for mobile restaurants. Also mentioned was if the area is rezoned R-3 all the way to Edmunds Street, there are some who would like to do some things [open a business] they weren't able to do before and would now be by-right.

Council member Dwyer asked if all the lots outlined in red on the diagram are being suggested for rezoning to R-3. Town Manager Davis advised that it would be all the lots that front Griffin Boulevard, not Hill Street nor Williams Way.

Council member Reid commented on the empty lots.

Council member Yoelin asked about what was said concerning switching to R-3 by-right and does that still include conditional use permits.

Town Manager Davis clarified the meaning of by-right use; a property owner doesn't need anything [a Conditional Use Permit], it's by-right if you own the property.

Council member Yoelin asked where a conditional use permit comes in that was mentioned.

The Town Manager advised it still would be needed for R-3 for a mobile restaurant. Examples of what is already allowed in R-3 by-right other than houses are a short-term rental business such as an Airbnb, specialty food shop and a lower scale neighborhood convenience store that it opens that corridor for and is more in line with what the other side of the street is and what some of the uses are that are already there.

There was additional input from Council members:

Council member Reid added and the uses that had been there before.

Council member Dwyer commented that he thinks it's a good idea but noted his concern about the residents south of Edmunds Street who are being indirectly impacted by any change.

Council member Hardy added his concern for the residents on Hill Street and how they would be impacted.

Town Manager Davis concluded by stating if the Council agrees with this direction, the topic would be taken to the Planning Commission, and they would have a public hearing after the property owners are notified. A recommendation could be made to the Council with another public hearing held.

Council member Hunter commented that the Council just needs to start the process.

Mayor Vincent advised the Town Manager that there seemed to be a consensus with the Council to move forward with the topic.

UPDATES FROM APRIL PLANNING COMMISSION MEETING

Town Manager Davis reported on the following changes from the meeting:

- The ordinance for the fences needs to be revised. *Fence* needs to be removed from the definition of a structure and should have a separate definition. There also needs to be rewording afterwards for clarity.
- The Planning Commission wants the term *facility* changed to building in the Sidewalk ordinance. The word *structure* will be used because it is defined in the zoning ordinance. Also, the size of the sidewalk to the structure of five feet will be added. Revisions will be made and brought back to the Council.
- The Planning Commission recommended the solar project and, Community Development Director Ashley Atkins-Austin was present to provide the exact wording, *subject to approval from the Town Attorney with respect to the compliance with 15.2-2232*, which talks about the Comprehensive Plan.

Town Attorney Gary Elder and the solar company's attorney agree that if the Town Council agrees to a Siting Agreement and is approved, that would deem the project in compliance to 15.2-2316.9(C). A Certificate of Substantial Compliance would be issued from the Town Manager. The wording from the drafted certificate was read aloud, and reference was made to various code sections. Staff plan to move forward with a public hearing.

Council member Yoelin asked a question concerning substantial compliance with the Comprehensive Plan, if the Comprehensive Plan mentions anything about solar facilities. He stated not recalling reading anything in the Comprehensive Plan about solar facilities.

The Town Manager advised the two attorneys are both in agreement with the information provided but stated the question should be asked of Town Attorney Gary Elder.

TOWN MANAGER'S REPORT

Spring Clean-up – Monday, May 6, 2024

National Fallen Firefighters Day – Sunday, May 5, 2024

COMMENTS BY MAYOR AND TOWN COUNCIL

Council member Yoelin asked if approval is needed for Mr. McCullough to move to the next phase. The Town Manager reported his taking that the topic would move forward with a public hearing in June.

Council member Reid reminded the Council of the Virginia Municipal League Small Towns Conference to be held on June 9-10, 2024, in Abington, VA.

Mayor Vincent asked for an update from Chief Ellington on the fundraising efforts to support Helene “Winkie” Blanton. There was a report from Chief Ellington that enough money was raised so far for his head to be shaven. All were asked to contribute to the worthy cause so that the Town Manager’s head can also be shaved. Appreciation was expressed to all and a mention that Finance Director Julie Moore is handling the collection of donations for the fundraiser.

Two days will be spent next week at an invitation-only event where 150 CEOs, federal agency heads, governors and congressional representatives will gather to talk about the \$1.1 trillion outdoor recreation industry. Mayor Vincent added to let him know if there are any issues that anyone wants him to advocate for during the forum.

CLOSED SESSION: 2.2-3711 (A)(3)

On motion by Mr. Yoelin, seconded by Mr. Hunter, and with Council members Reid, Dwyer, Pairet, Yoelin, Hunter, and Hardy voting “yes”, Council went into closed session under the provisions of Paragraph A.3 of Section 2.2-3711, for the discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Farmville Town Council has convened a closed session 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 session 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: Six ayes, No noes

MOTION: Yoelin

SECOND: Hunter

AYES: Dwyer, Pairet, Yoelin, Hunter, Hardy and Reid

NOES: None

ABSENT DURING VOTE: Amos

ABSENT DURING MEETING: Amos

Clerk of Council

There being no other business and on a motion by Mr. Reid, seconded by Mr. Dwyer, with all in favor stating "aye", the meeting adjourned at 8:00 PM.

APPROVED:

ATTEST:

Brian R. Vincent, Mayor

Mary H. McKay, Clerk of Council