



Town of Farmville

Town Council

October 2, 2024 at 6:00 PM
Council Chamber of the Town Hall
116 North Main Street, Farmville, VA

AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Adoption of Agenda**
4. **Declaration of Personal Interest**
5. **Finance Report**
 - a. Report by Finance Director
6. **Old Business**
 - a. Discussion: Proposed Ordinance No. 234 - Amending Section 29-35(b) of Article IV of Chapter 29 - Fences
7. **New Business**

Ordinance No. 237 - Repealing current language of Chapter 10 - Erosion and Sediment

 - a. Control and enacting new language to fulfill update regulations from the Virginia Erosion and Sediment Control Program
 - b. Zion Subdivision Preliminary Plat/Site Plan Review (Layne Street)
 - c. Updated Farmville Area Bus Title VI Plan
 - d. Letter from Brown, Edwards & Company, L.L.P., Certified Public Accountants
 - e. Discussion: Bathroom build at the splashpad
8. **Town Manager's Report**
9. **Comments by the Mayor and Town Council**



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 5.a. – Report by Finance Director

BACKGROUND:

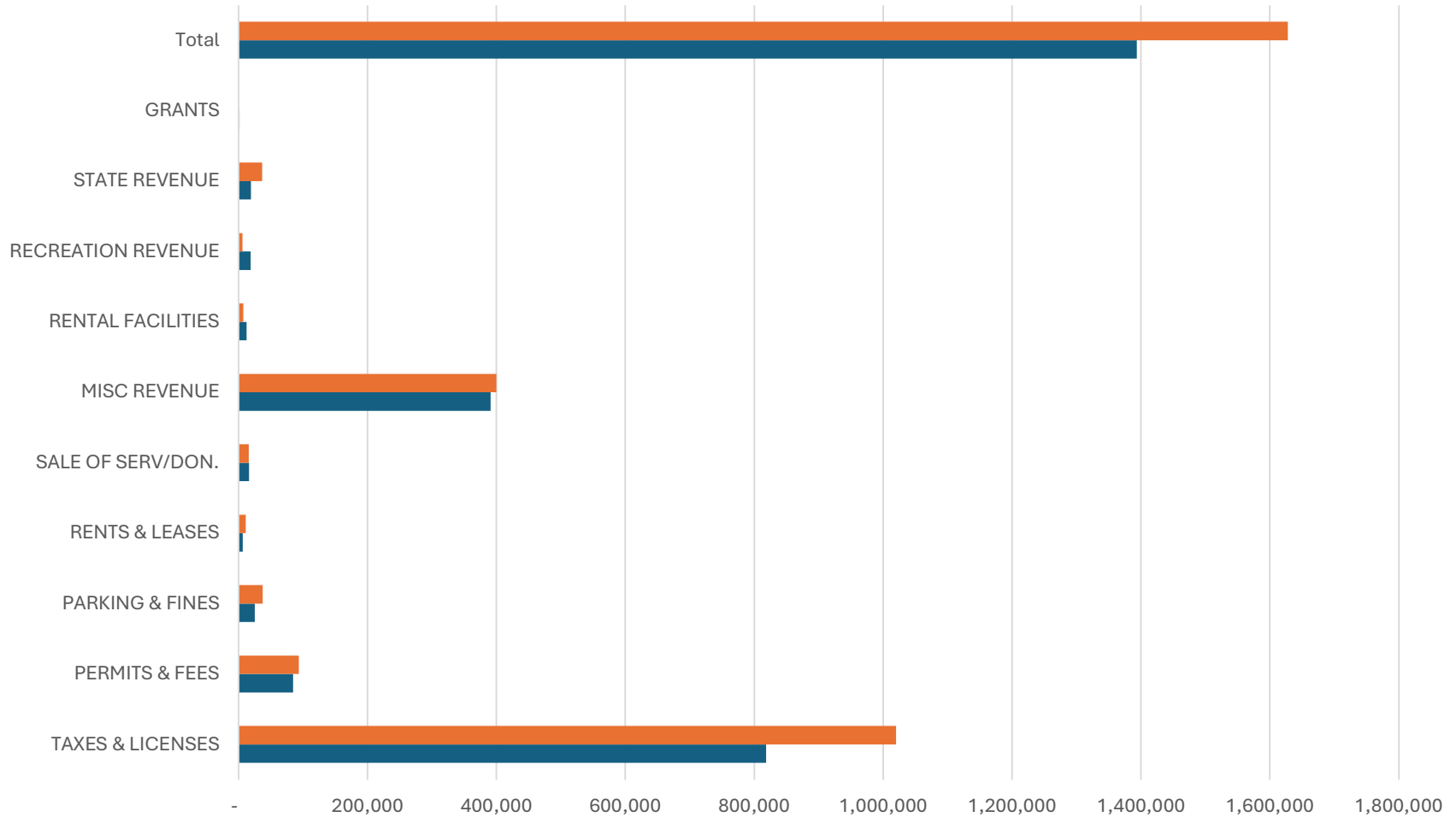
RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS:

1. Revenue - GF CY PY - August 2024
2. Expense - All Funds Budget - August 2024
3. Expense - All Funds CY PY - August 2024
4. Expense - Department Budget - August 2024
5. Expense - Department CY PY - August 2024
6. Revenue - All Funds Budget - August 2024
7. Revenue - All Funds CY PY - August 2024
8. Revenue - GF Budget - August 2024
9. Revenue Report - August 2024
10. Salary Report - August 2024

August 2024 Actual vs. August 2023 Actual



	TAXES & LICENSES	PERMITS & FEES	PARKING & FINES	RENTS & LEASES	SALE OF SERV/DON.	MISC REVENUE	RENTAL FACILITIES	RECREATION REVENUE	STATE REVENUE	GRANTS	Total
FY24 REVENUE	1,020,278	93,235	37,498	11,250	15,872	399,761	7,300	6,183	36,598	-	1,627,975
FY25 REVENUE	818,606	84,440	25,178	6,530	16,001	391,171	12,314	18,768	19,307	1,400	1,393,715

■ FY24 REVENUE ■ FY25 REVENUE

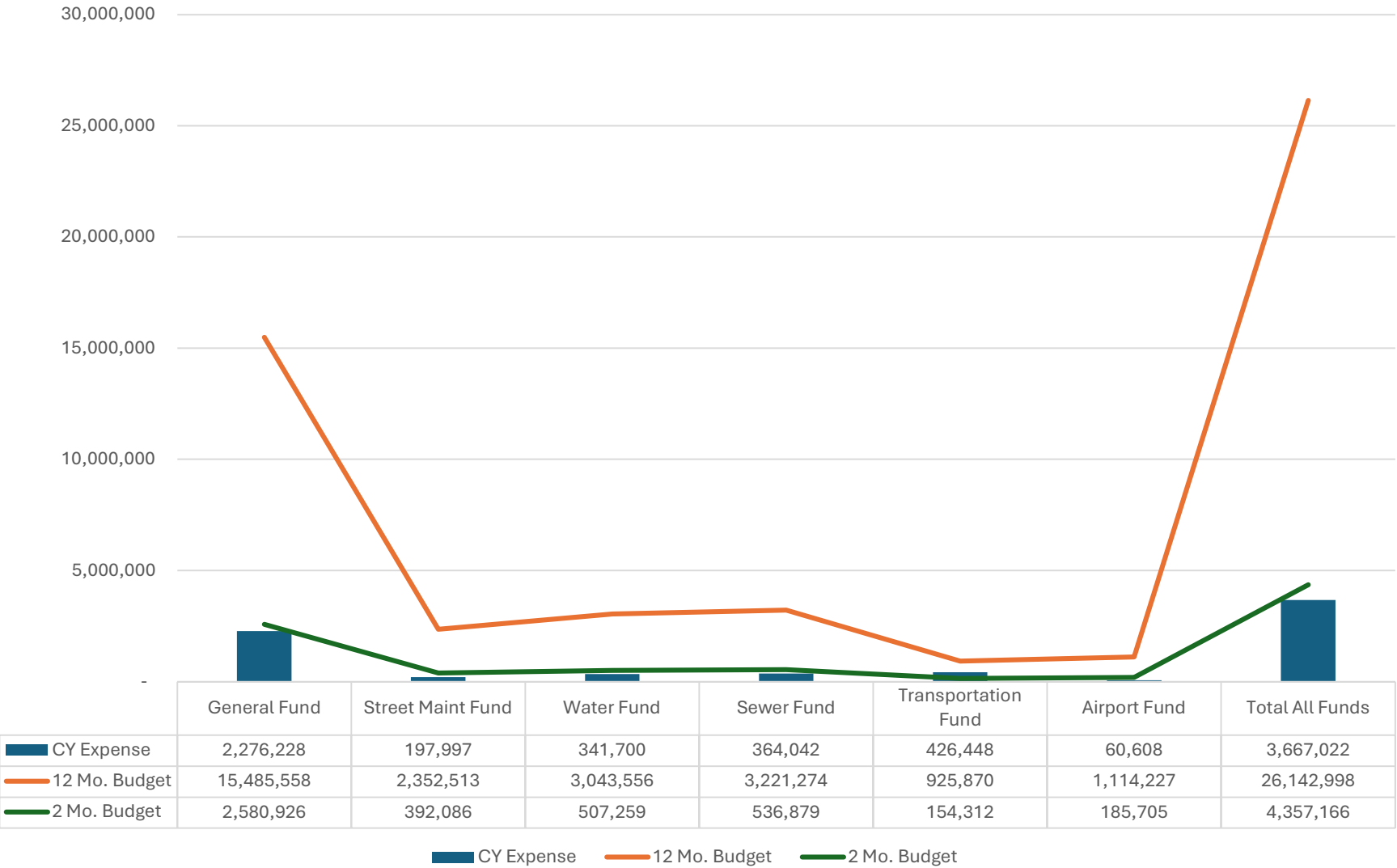
Notes on comparisons:

Taxes and licenses: The timing of when some taxes are received by the Town. Some taxes are delayed by a month to two months, whereas the August 2023 amount reflects these taxes since we recorded them in the proper period.

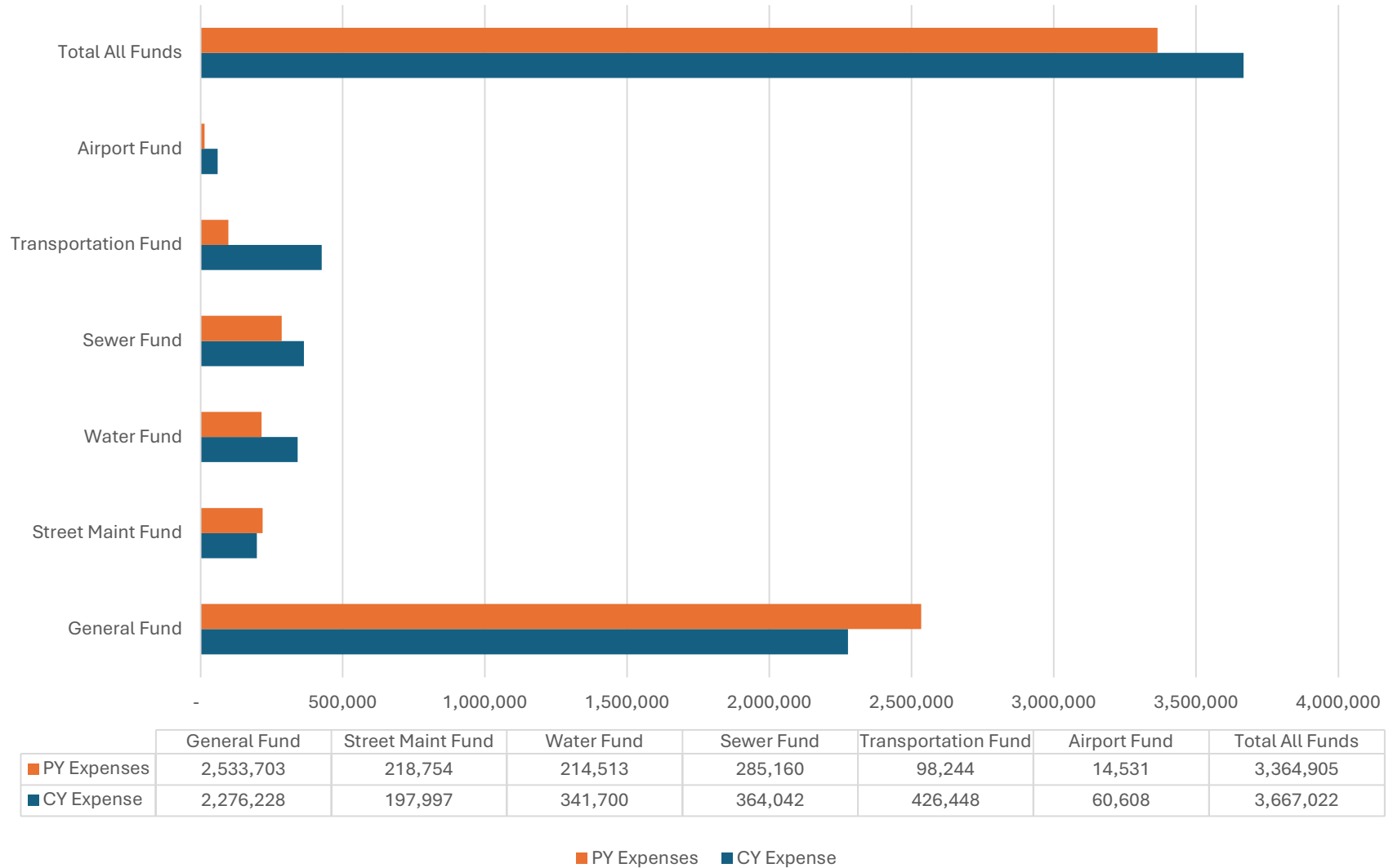
Recreation Revenue: There was an increase in football registration and camp revenue compared to the prior year.

State Revenue: At this point last year more had been received for wireless and car tax.

August 2024 YTD Expenses Vs. Budgeted Amounts - by Fund



Fund Total Expenses Current Year Vs. Prior Year - August 2024



Notes on comparisons:

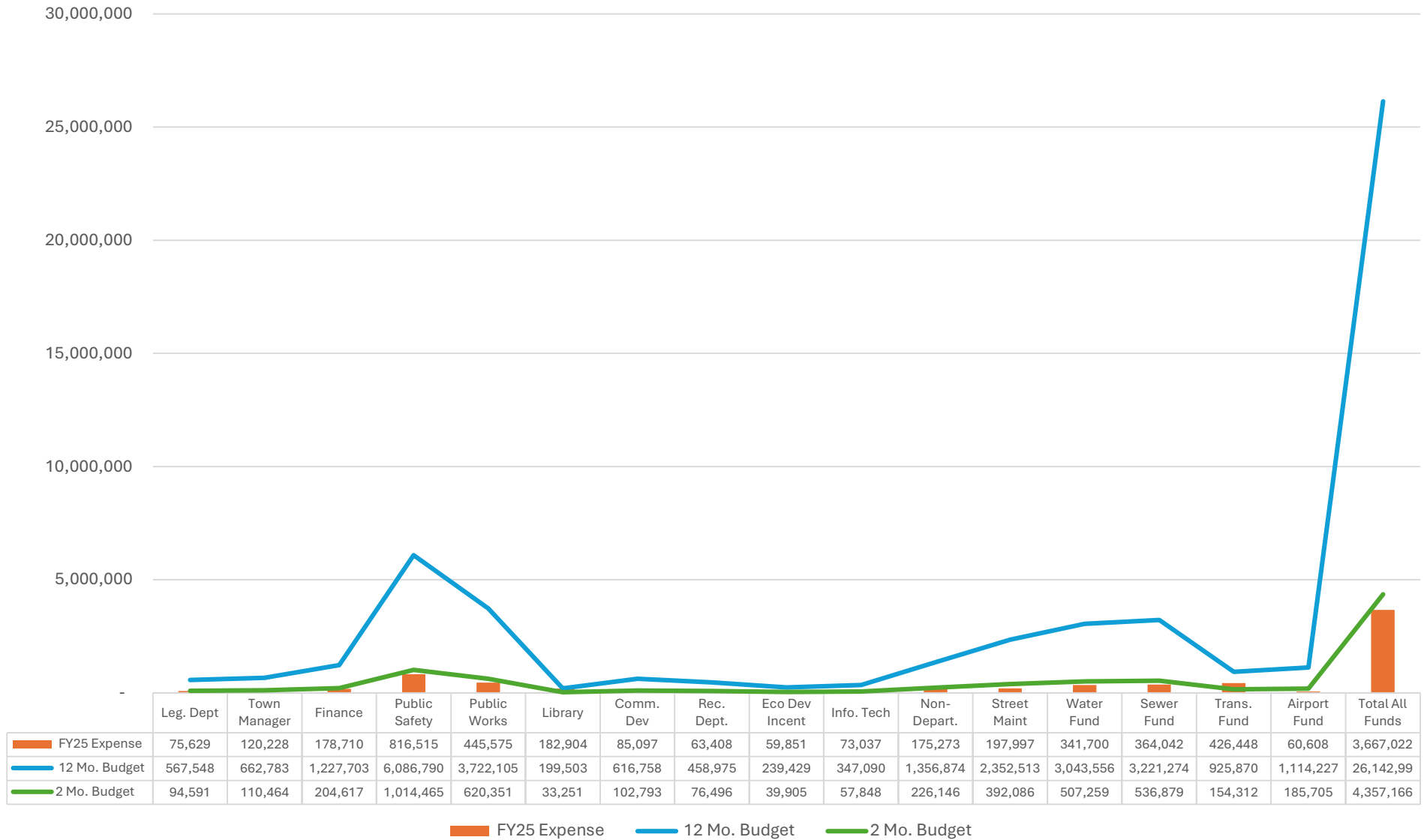
Water Fund: ABM interest payment made in July 2024 caused the increase in the Water fund expenses.

Sewer Fund: Increase due to the service truck with a crane and chemicals ordered in July 2024.

Transportation Fund: Two buses were received and paid for in 2025.

Airport Fund: A tractor was purchased in the fiscal year 2025.

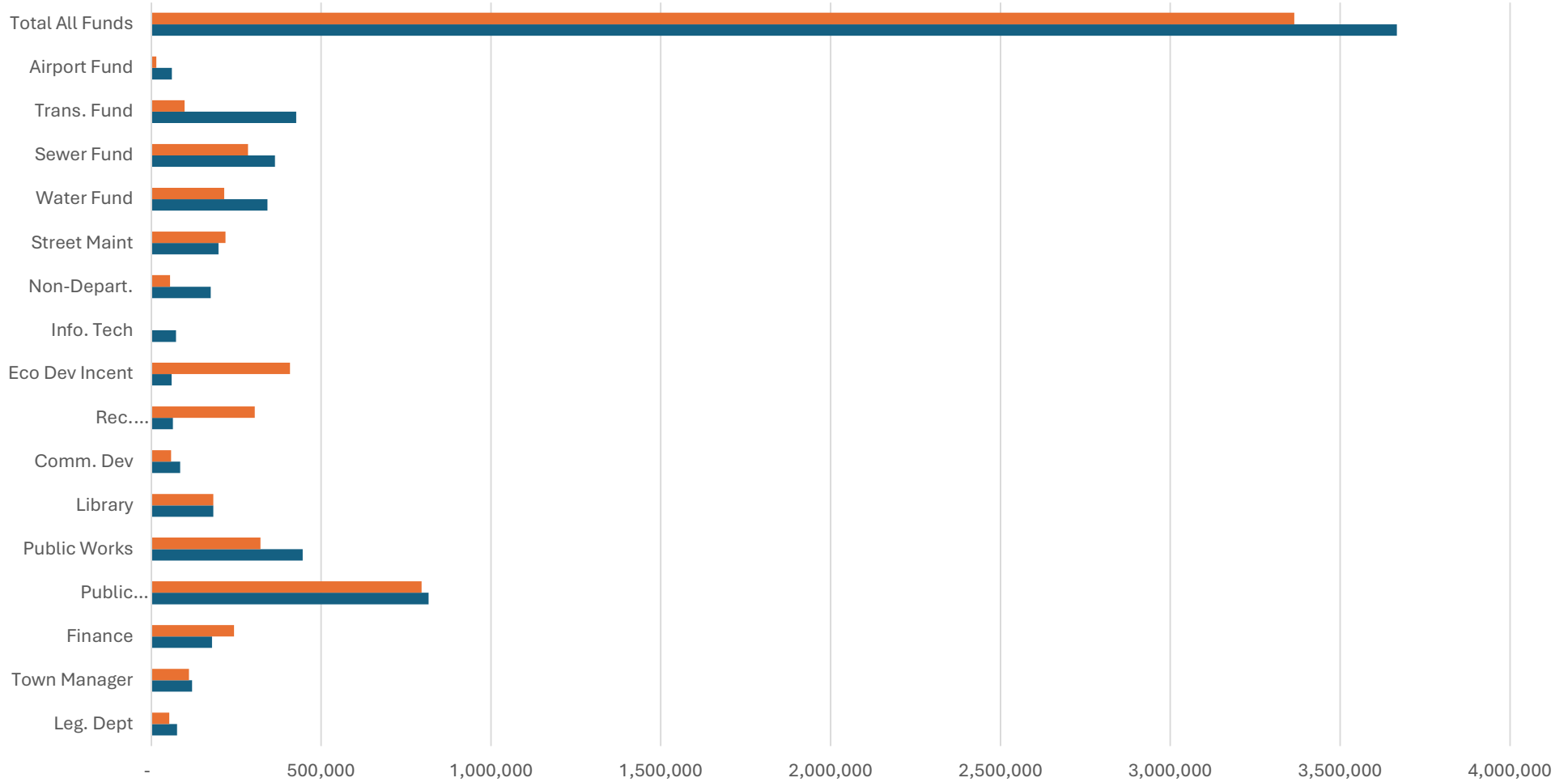
August 2024 - YTD Expenses Vs. 12 Month Budget and 2 Month Budget



Current Year Vs. Budget Notes:

Library: The appropriation to the library was paid at the end of July 2024.

Current Year Expenses Vs. Prior Year Expenses - August 2024



■ FY24 Expense ■ FY25 Expense

Notes on comparisons:

Finance: In the prior year, expenses reflected the purchase of the OpenGov software.

Recreation: In the prior year, the expenditures were linked to the acquisition of splash pad equipment in July 2023.

Economic Development Incentives: In the prior year, a \$350,000 contribution was made to the IDA.

Non-Departmental: ABM Interest payment and the FY24 capital lease purchase payment were made.

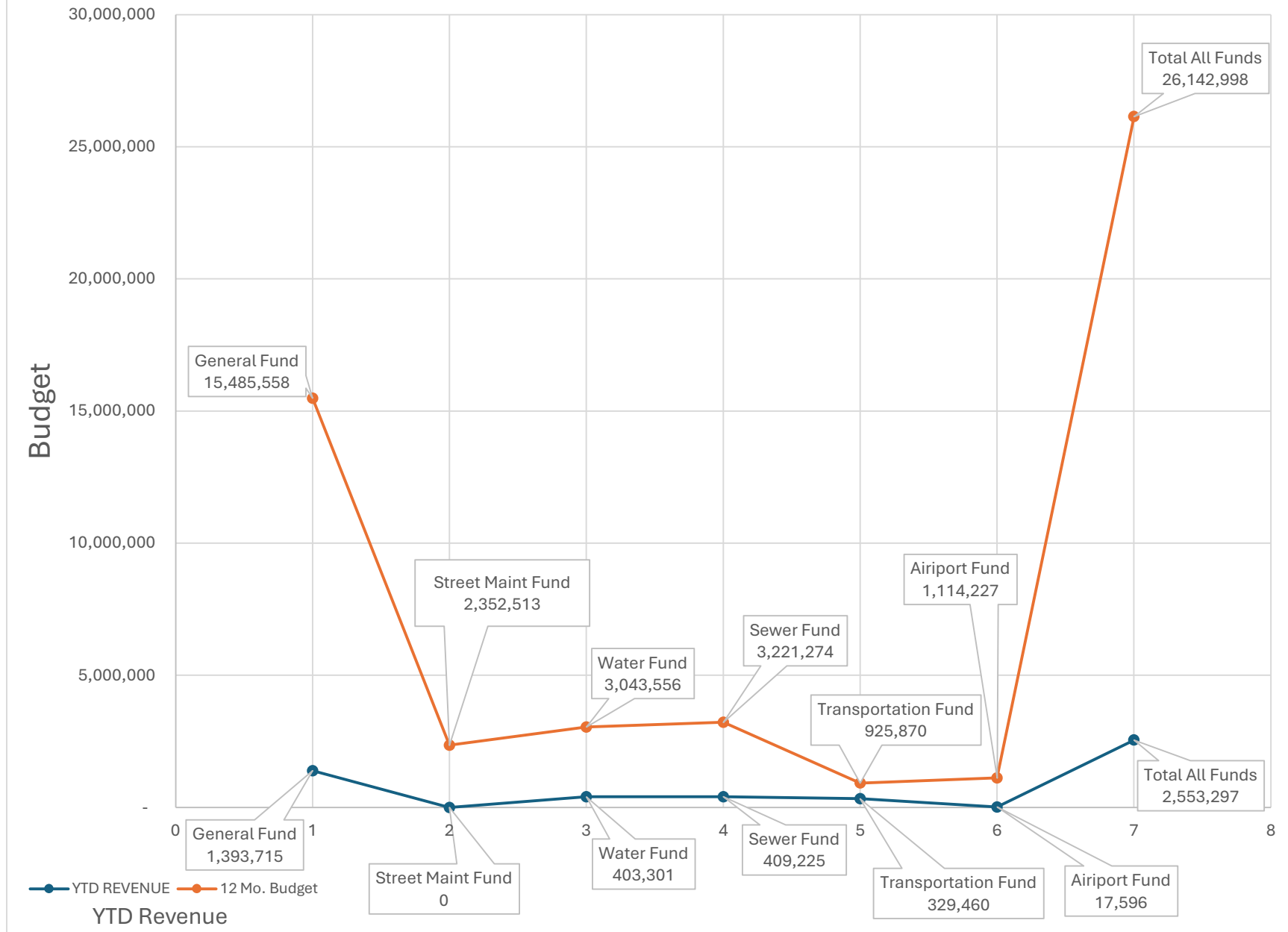
Water Fund: This year's increase in expenses is related to ABM's July payment.

Sewer Fund: This year's expenses increase is related to purchasing a service truck with a crane and chemicals.

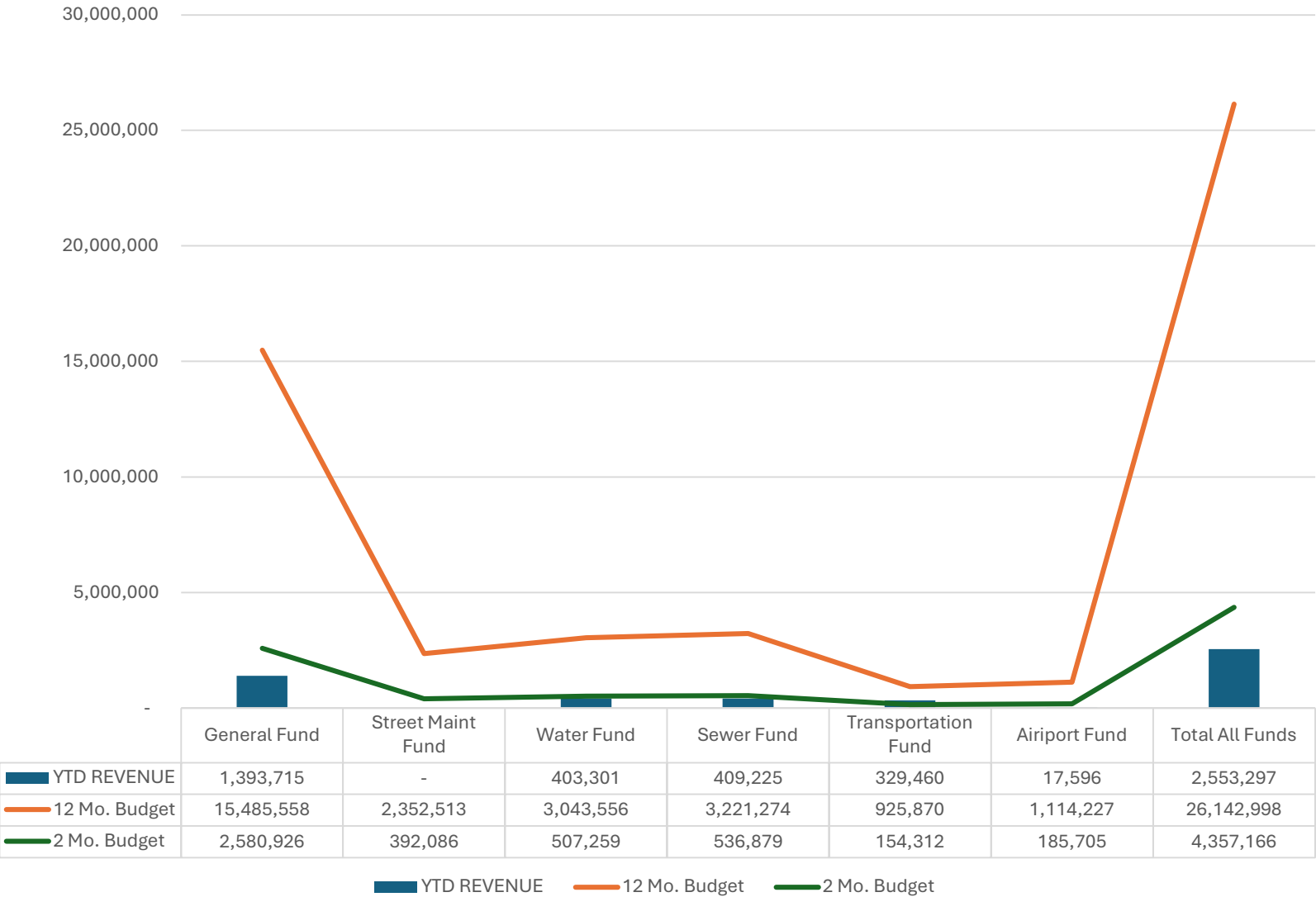
Transportation Fund: Two buses were received and paid for in FY2025.

Airport Fund: Purchase of a tractor in FY2025.

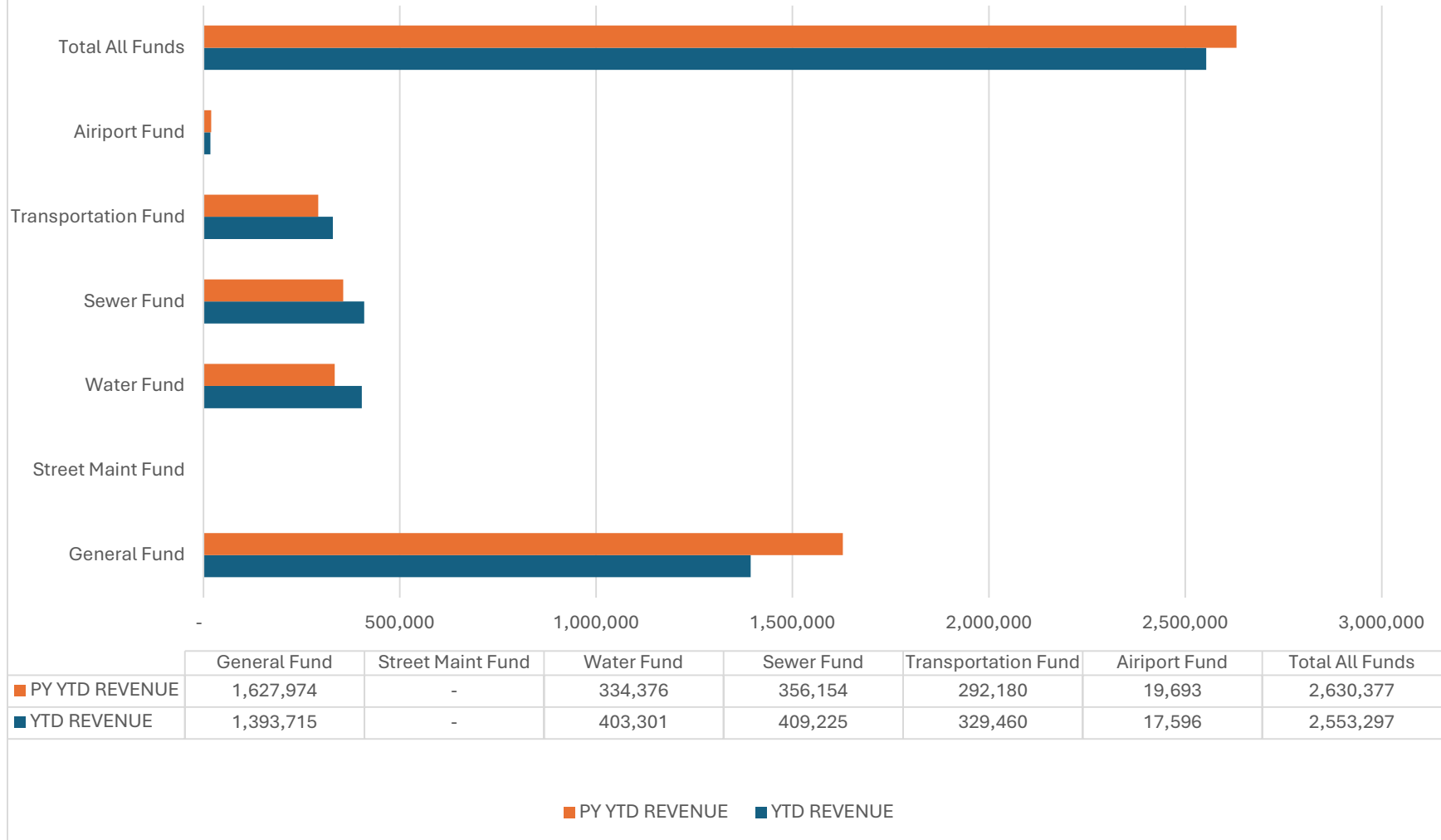
Revenue All Funds - YTD- August 2024

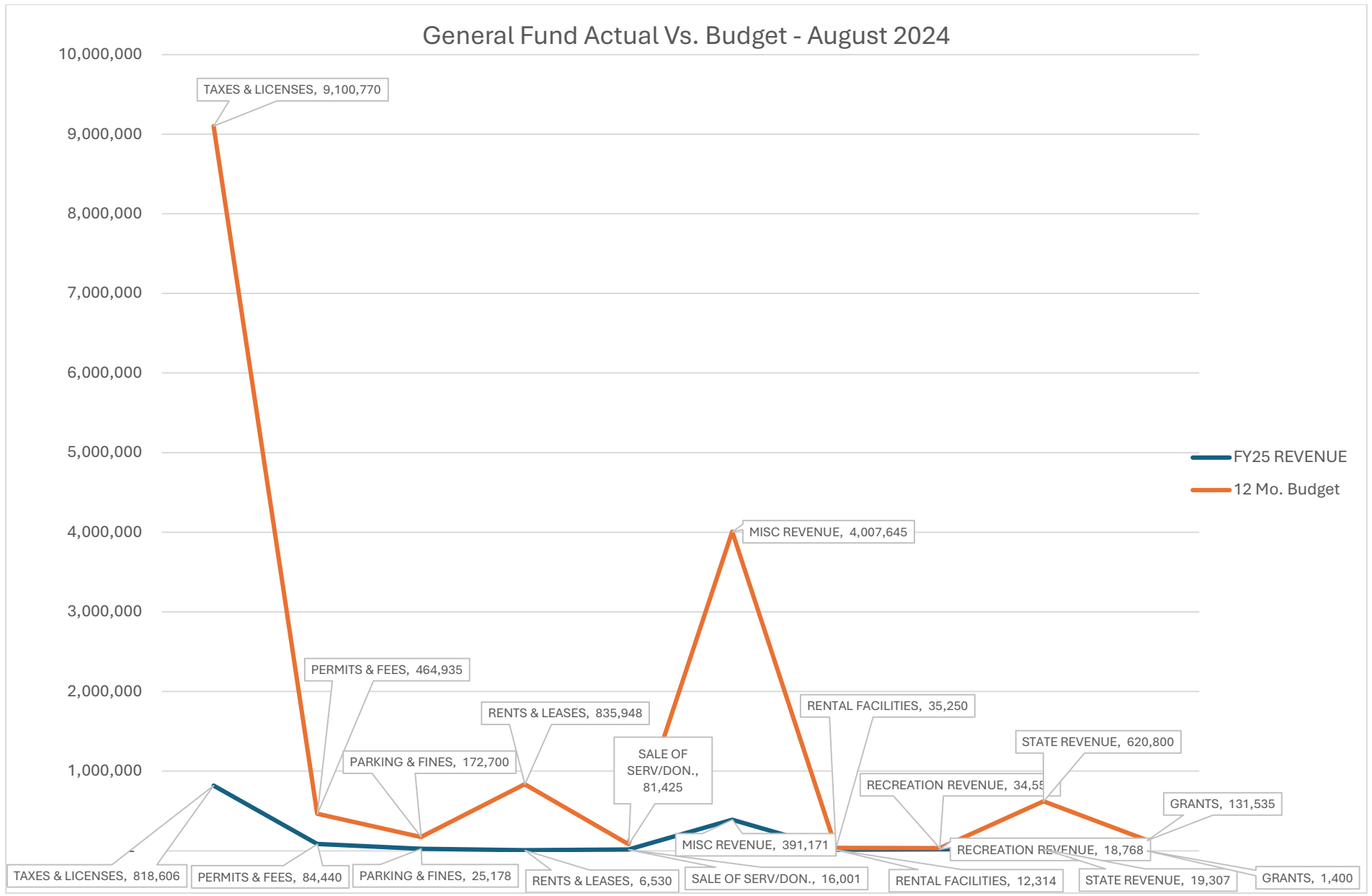


August 2024 Actual Vs. Budget



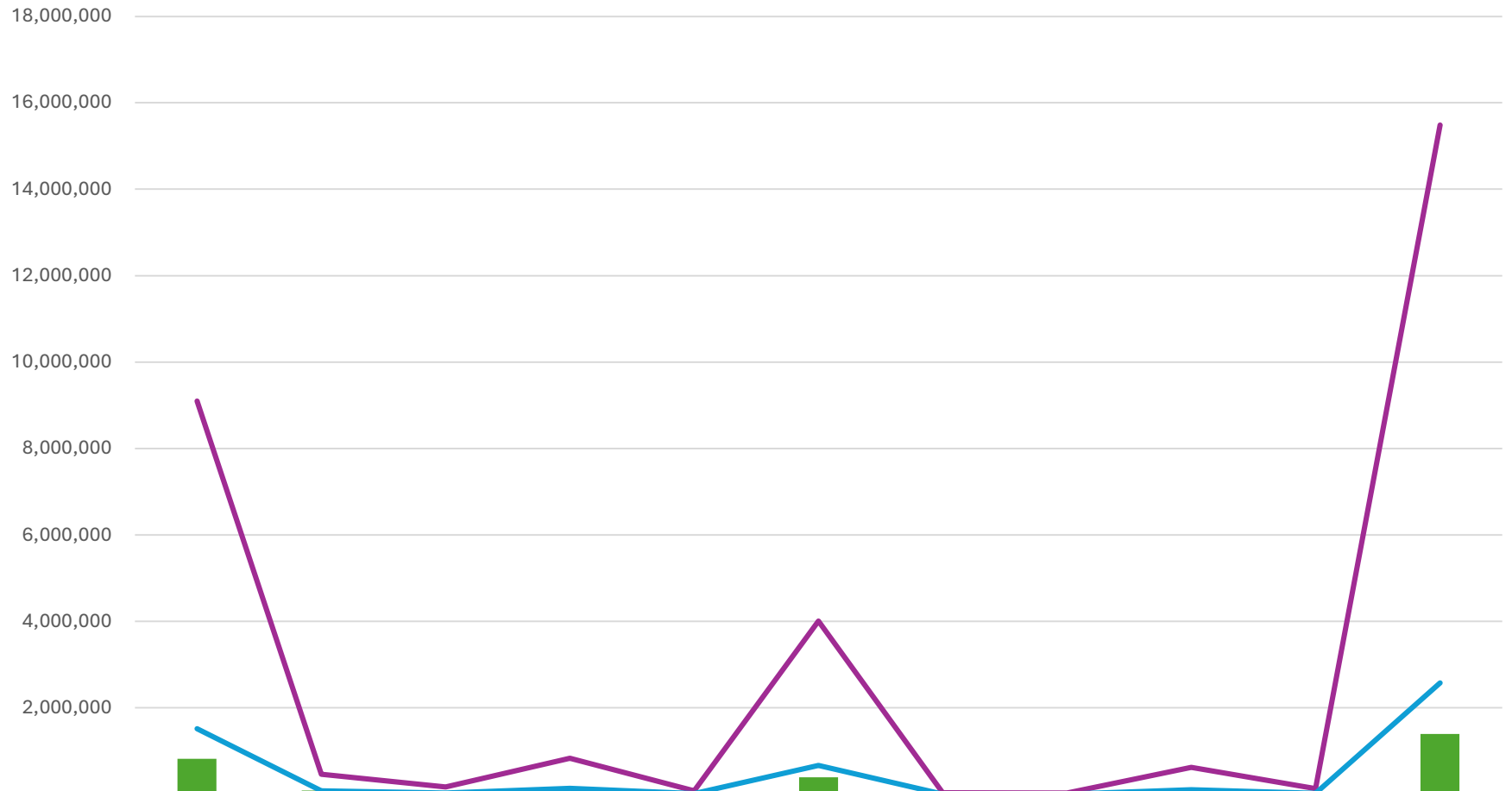
CURRENT AUGUST 2024 COMPARED TO PRIOR AUGUST 2023 YTD REVENUE





Note: Budget amounts are above the line, and actual amounts are below the line.

August 2024 General Fund - YTD Revenue Vs. Budget



	TAXES & LICENSES	PERMITS & FEES	PARKING & FINES	RENTS & LEASES	SALE OF SERV/DON.	MISC REVENUE	RENTAL FACILITIES	RECREATION REVENUE	STATE REVENUE	GRANTS	Total
FY25 REVENUE	818,606	84,440	25,178	6,530	16,001	391,171	12,314	18,768	19,307	1,400	1,393,715
12 Mo. Budget	9,100,770	464,935	172,700	835,948	81,425	4,007,645	35,250	34,550	620,800	131,535	15,485,558
2 Mo. Budget	1,516,795	77,489	28,783	139,325	13,571	667,941	5,875	5,758	103,467	21,923	2,580,926

■ FY25 REVENUE
 — 12 Mo. Budget
 — 2 Mo. Budget

**TOWN OF FARMVILLE
REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
10-1101-0001	CURRENT REAL PROP TAXES	472.00	704.57	810,000.00	0.0900
10-1102-0001	CURRENT PUBLIC SERVICE CORP TA	-	-	62,590.00	0.0000
10-1103-0001	CURRENT PERSONAL PROPERTY TAX	-	550.88	273,030.00	0.2000
10-1106-0001	PENALTIES-TAXES	13.51	54.37	1,500.00	3.6200
10-1106-0002	INTEREST-TAXES	11.27	47.76	1,500.00	3.1800
10-1106-0003	PENALTY-PP TAX	-	(4.05)	500.00	-0.8100
10-1106-0004	INTEREST-PP TAX	-	-	150.00	0.0000
10-1107-0001	DELINQUENT TAXES	234.18	1,053.53	5,000.00	21.0700
10-1200-0001	CONSUMPTION TAX	-	2,577.96	27,000.00	9.5500
10-1201-0001	SALES TAX	-	489.60	450,000.00	0.1100
10-1202-0001	UTILITY TAX	-	32,242.32	360,000.00	8.9600
10-1203-0001	BUSINESS LICENSE TAX	492.15	3,388.55	1,620,000.00	0.2100
10-1203-0099	PENALTY-BUSINESS LICENSES	-	-	5,000.00	0.0000
10-1204-0001	BANK FRANCHISE TAXES	-	-	235,000.00	0.0000
10-1204-0004	RIGHT OF WAY ACCESS FEE	-	3,146.58	16,000.00	19.6700
10-1205-0001	MOTOR VEHICLE LICENSES	(1,115.56)	-	87,000.00	0.0000
10-1206-0001	COMMUNICATION SALES & USE TAX	-	-	360,000.00	0.0000
10-1210-0001	LODGING TAX	75,429.91	149,775.18	800,000.00	18.7200
10-1211-0001	FOOD TAX	297,039.13	600,814.77	3,800,000.00	15.8100
10-1211-0099	PENALTY/INT-FOOD/LODGING TAX	134.91	154.77	2,000.00	7.7400
10-1220-0001	SANITATION FEE	33,140.27	65,716.95	390,000.00	16.8500
10-1301-0001	FERN BEAUTIFICATION PROJECT	-	-	2,900.00	0.0000
10-1302-0002	BRANCH OUT TREE PROGRAM	125.00	125.00	5,000.00	2.5000
10-1302-0003	VFIC GRANT	-	-	15,000.00	0.0000
10-1303-0005	VARIANCE FEE	-	-	250.00	0.0000
10-1303-0006	CONDITIONAL-USE-PERMITS	-	-	500.00	0.0000
10-1303-0007	ZONING & RE-ZONING FEES	550.00	1,050.00	1,000.00	105.0000
10-1303-0008	BUILDING PERMITS	6,916.40	10,963.13	32,000.00	34.2600

**TOWN OF FARMVILLE
REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
10-1303-0009	SURVEYOR-SITE INSPEC-E&S,RENTAL EQUIP	-	-	200.00	0.0000
10-1303-0010	PARTY BIKE PERMIT	-	-	365.00	0.0000
10-1303-0020	STATE SURCHRG-BLDG PERMIT FEE	130.84	208.84	500.00	41.7700
10-1303-0032	KARATE PROGRAM REVENUE	55.00	170.00	1,000.00	17.0000
10-1303-0033	PICKLEBALL PROGRAM REVENUE	48.00	48.00	500.00	9.6000
10-1303-0071	FOOTBALL PROGRAM REVENUE	10,550.00	11,040.00	15,000.00	73.6000
10-1303-0072	SOFTBALL PROGRAM REVENUE	-	-	1,500.00	0.0000
10-1303-0073	SUMMER CAMP REVENUE	6,365.00	7,510.00	12,000.00	62.5800
10-1303-0077	SPONSORSHIP-JINGLE BELL RUN	-	-	500.00	0.0000
10-1303-0078	REGISTRATION FEE-JINGLE BELL R	-	-	2,000.00	0.0000
10-1303-0079	REVENUE-ADULT BASKETBALL LEAGU	-	-	2,000.00	0.0000
10-1303-0084	ADULT SOFTBALL-REVENUE	-	-	50.00	0.0000
10-1307-0001	PLAN REVIEW-BLDG INSPECTOR	-	-	500.00	0.0000
10-1307-0002	CERTIFICATE OF OCCUPANCY-BLDG	-	-	100.00	0.0000
10-1308-0001	FINGERPRINT FEE	10.00	10.00	20.00	50.0000
10-1309-0001	SURVEYOR-PLAN REVIEW	-	-	500.00	0.0000
10-1311-0001	BURN PERMIT	-	-	400.00	0.0000
10-1401-0001	COURT FINES & COSTS	-	12,257.34	85,000.00	14.4200
10-1401-0002	PARKING FINES	625.00	1,549.21	25,000.00	6.2000
10-1401-0004	LIENS ON REAL ESTATE	40.00	505.32	500.00	101.0600
10-1402-0003	E-CITATION	-	647.37	8,000.00	8.0900
10-1501-0001	INTEREST-REPO	13,520.53	31,727.69	155,087.49	20.4600
10-1501-0002	INT-BENCHMARK-ARPA-COVID-RESTRICTED	5,645.65	11,272.48	-	0
10-1501-0003	INTEREST-MEDICAL COMPENSATION	457.91	944.21	7,000.00	13.4900
10-1501-0004	INTEREST-ACCOUNTS RECEIVABLE	5.24	5.24	100.00	5.2400
10-1501-0006	INTEREST-MM-BENCHMARK-E911	26.60	51.82	50.00	103.6400
10-1501-0013	INTEREST-SET ASIDE ACCOUNT	19,530.42	43,155.49	150,000.00	28.7700
10-1501-0015	INTEREST-E911 RESERVE	1,496.96	2,988.67	15,000.00	19.9200

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REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
10-1501-0021	INT-CK ACCT-BENCHMARK-E-CITATION	4.48	8.88	30.00	29.6000
10-1501-0072	INT-CHECKING-BENCHMARK	19,982.46	39,236.98	230,000.00	17.0600
10-1502-0001	RENT-BURN BUILDING	-	-	500.00	0.0000
10-1502-0002	RENT-WILCK LAKE	200.00	800.00	2,500.00	32.0000
10-1502-0005	SALE OF FIXED ASSETS	4,850.00	5,900.00	15,000.00	39.3300
10-1502-0006	SALE OF MATERIAL	28.00	43.10	1,500.00	2.8700
10-1502-0008	SALE OF COPIES	41.00	151.00	500.00	30.2000
10-1502-0009	CEMETERY LOTS	1,600.00	2,400.00	17,000.00	14.1200
10-1502-0010	SALE OF POSTAGE	0.69	0.69	25.00	2.7600
10-1502-0011	SALE OF ROLL OUT CARTS	200.00	400.00	1,000.00	40.0000
10-1502-0012	RENT-TRAIN STATION	1,050.00	2,725.00	14,000.00	19.4600
10-1502-0013	RENT-PARKING-VENABLE ST	225.00	450.00	2,700.00	16.6700
10-1502-0014	RENT-TOWN PKG-NORTH ST	300.00	300.00	300.00	100.0000
10-1502-0018	LEASE-SOUTH ST CONF-FIRE PROG	-	1,279.42	15,353.04	8.3300
10-1502-0020	RENT-RIVERFRONT PARK	-	-	250.00	0.0000
10-1502-0021	FARMER'S MARKET REVENUE	1,450.00	3,589.00	5,000.00	71.7800
10-1502-0024	RENT-SPORTS ARENA	2,600.00	5,200.00	12,500.00	41.6000
10-1502-0025	RENT-PROB/PAROLE BLDG	-	4,500.27	47,649.48	9.4400
10-1502-0026	RENT-BALL FIELD-SPORTS ARENA	-	-	1,000.00	0.0000
10-1503-0001	EXCESS SALE-TACS	-	4,946.60	-	0
10-1607-0003	PARKING METERS REVENUE	6,153.50	9,424.06	44,000.00	21.4200
10-1610-0001	RENTAL PARKING SPACES	475.00	800.00	8,700.00	9.2000
10-1620-0001	RESIDENTAL PARKING	255.00	500.00	2,000.00	25.0000
10-1620-0002	LONGWOOD STREETS	-	-	-	0
10-1620-0099	PENALTY-SANITATION FEE	503.22	944.37	5,100.00	18.5200
10-1630-0001	CIGARETTE TAX	22,500.00	26,250.00	200,000.00	13.1300
10-1899-0002	SALE OF SERVICE-ADMIN	-	-	1,200.00	0.0000
10-1899-0004	MISC REVENUE	-	3,847.43	100.00	3,847.4300

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REVENUE REPORT
AS OF AUGUST 31, 2024**

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10-1899-0005	SALE OF SERVICE-PUBLIC WORKS	524.00	524.00	5,000.00	10.4800
10-1899-0006	SALE OF SERVICE-GRAVE OPENINGS	900.00	2,500.00	22,000.00	11.3600
10-1899-0007	SALE OF SERVICE-DUMP TK	-	-	500.00	0.0000
10-1899-0010	SERVICE CHARGE-BAD CHECKS-A/R	-	-	100.00	0.0000
10-1899-0014	SALE OF SER-DISPATCH-HAMPDEN S	-	-	6,000.00	0.0000
10-1899-0017	SALE OF SER-FALSE BURG ALARM	105.00	150.00	2,000.00	7.5000
10-1899-0033	SALE OF SERVICE-POLICE	1,111.03	1,111.03	1,100.00	101.0000
10-1899-0035	SALE OF SERVICE-LIBRARY MAINTENANCE	-	-	600.00	0.0000
10-1899-0097	DONATIONS-FOURTH OF JULY CELEBRATION	-	150.00	17,000.00	0.8800
10-1901-0003	ADMINISTRATIVE SERV-FUND 15	21,553.96	44,945.99	250,000.00	17.9800
10-1901-0004	REIMB-FUND 10-ADMIN SERV	13,782.42	27,657.14	250,000.00	11.0600
10-1901-0005	RECOVERY-JURY DUTY FEES	118.20	139.57	500.00	27.9100
10-1901-0010	RECOVERY-VML INS-DAMAGE VEHICLES/PROP	1,949.63	1,949.63	50,000.00	3.9000
10-1902-0001	DAMAGE TO TOWN PROPERTY	-	-	5,000.00	0.0000
10-1903-0001	REFUNDS - CO-OPS	-	-	500.00	0.0000
10-2201-0003	ROLLING STOCK TAXES	82.12	82.12	100.00	82.1200
10-2201-0005	MOBILE HOME TITLING TAX	-	-	1,000.00	0.0000
10-2201-0006	CAR RENTAL TAX	-	7,914.54	75,000.00	10.5500
10-2401-0029	GRANT-DISPATCH-VDEM	1,278.19	1,278.19	4,000.00	31.9500
10-2401-0030	GRANT-VA911-HANDLING EQ	-	-	200,000.00	0.0000
10-2402-0001	WIRELESS	-	10,031.67	117,000.00	8.5700
10-2404-0007	LITTER & RECYCLING GRANT	-	-	2,500.00	0.0000
10-2404-0010	AID TO LAW ENFORCEMENT	-	-	215,000.00	0.0000
10-2404-0032	GRANT-VML-SAFETY	-	-	4,200.00	0.0000
10-2405-0004	MARKETING/TOURISM LOCAL REVENUE	-	-	2,000.00	0.0000
10-2501-0020	GRANT-VA DEPT FORESTRY - FIRA	1,400.00	1,400.00	62,000.00	2.2600
10-2504-0019	GRANT-DMV-ALCOHOL-25	-	-	26,335.00	0.0000
10-2504-0020	GRANT-BULLETPROOF VEST-FED	-	-	3,700.00	0.0000

**TOWN OF FARMVILLE
REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
10-2504-0027	GRANT-DMV-SPEED-25	-	-	24,500.00	0.0000
10-4104-0008	FROM FIDA-BOND PYMT-2012 ISSUE	-	-	36,431.34	0.0000
10-4104-0015	FM LIBRARY-APPROP LEASE RENT	180,000.00	180,000.00	180,000.00	100.0000
10-4104-0016	FM CKING-MEDICAL COMPENSATION BENEFIT	-	-	250,000.00	0.0000
10-4104-0018	FM SETASIDE ACCT-BONDS	-	-	934,537.52	0.0000
10-4104-0022	LEASE PROCEEDS	-	-	769,445.30	0.0000
10-4104-0025	FM SETASIDE ACCT-CIP PROJECTS	-	-	1,031,133.97	0.0000
10-4104-0027	FM SETASIDE ACCT-ABM PROJECT - BOA	-	-	75,675.03	0.0000
10-4107-0004	FM-PE CO-INstant ALERT	-	3,240.00	2,000.00	162.0000
10-4107-0006	FM-LONGWOOD-DISPATCH SERV	-	-	350,000.00	0.0000
10-4113-0004	FROM FARMVILLE FIRE DEPT-PAYME	-	-	35,000.00	0.0000
TOTAL GENERAL FUND		757,173.22	1,393,714.23	15,485,558.17	9.00%
15-2404-0007	HIGHWAY FUNDS	-	-	2,224,346.00	0.0000
15-4100-0050	USE OF PY FUND BALANCE	-	-	128,166.54	0.0000
TOTAL HIGHWAY MAINTENANCE FUND		-	-	2,352,512.54	0.00%
40-1501-0001	Interest - Unrestricted	4,936.19	9,854.91	25,000.00	39.4200
40-1501-0002	Interest - RESTRICTED	11,693.88	23,348.77	-	0
40-1501-0004	INTEREST-ACCOUNTS RECEIVABLE	-	82.55	2.00	4,127.5000
40-1502-0007	LEASE-JACKSON HTS WATER TANK	-	4,646.40	27,878.40	16.6700
40-1502-0009	LEASE-ANDREWS DR WATER TANK	3,529.79	7,059.58	40,468.44	17.4400
40-1620-0001	WATER SERVICE	168,926.70	333,207.72	1,882,000.00	17.7000
40-1620-0002	WATER TAPS	-	-	30,000.00	0.0000
40-1620-0003	SURCHARGE-MULTIPLE METERS	7,746.00	15,456.00	93,000.00	16.6200
40-1620-0004	SALE OF WATER	221.50	1,800.50	10,000.00	18.0100
40-1620-0099	PENALTY-WATER SERVICE	1,855.23	3,514.92	18,000.00	19.5300
40-1899-0010	SERVICE CHARGES	1,120.00	1,380.00	10,000.00	13.8000
40-1899-0011	SERVICE CRG-BAD CHECK	-	150.00	750.00	20.0000
40-1899-0012	SALE OF SERVICE-TESTING	1,840.00	2,800.00	10,000.00	28.0000

**TOWN OF FARMVILLE
REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
40-4102-0001	FM PE CO-APPOMATTOX RIVER-USGS	-	-	8,930.00	0.0000
40-4104-0025	FM SETASIDE ACCT - CIP AND DEBT	-	-	887,527.51	0.0000
TOTAL WATER FUND		201,869.29	403,301.35	3,043,556.35	13.25%
42-1501-0001	Interest - Unrestricted	10,169.46	15,085.43	25,000.00	60.3400
42-1501-0004	INTEREST-ACCOUNTS RECEIVABLE	-	-	2.00	0.0000
42-1620-0099	PENALTY-SEWER SERVICE	2,090.48	4,030.05	17,500.00	23.0300
42-1630-0001	SEWER SERVICE	198,590.45	384,608.00	2,258,000.00	17.0300
42-1630-0002	SEWER TAPS	-	-	28,800.00	0.0000
42-1899-0005	SALE OF SERVICE-PUBLIC WORKS	-	-	400.00	0.0000
42-1899-0012	SALE OF SERVICE-LEACHATE-CUMBERLAND	-	702.00	25,000.00	2.8100
42-1899-0013	SALE OF SERVICE-SEWER TREAT	2,400.00	4,800.00	10,000.00	48.0000
42-2404-0005	VML SAFETY GRANT	-	-	2,000.00	0.0000
42-2510-0007	ARPA REVENUE RECOGNIZED	-	-	670,143.00	0.0000
42-4104-0025	FM SETASIDE ACCT - CIP PROJECTS	-	-	184,428.60	0.0000
TOTAL SEWER FUND		213,250.39	409,225.48	3,221,273.60	12.70%
44-1502-0005	SALE OF FIXED ASSETS	8,500.00	25,100.00	-	0
44-1520-0001	PASSENGER FARES	-	599.13	8,800.00	6.8100
44-1521-0002	CONTRIBUTION-LONGWOOD [1500]	-	89,400.00	178,800.00	50.0000
44-1521-0003	CONTRIBUTION-P E COUNTY	-	6,250.00	25,000.00	25.0000
44-1901-0010	RECOVERY-VML INS-VEHICLE DAMAGE	-	-	10,000.00	0.0000
44-2403-0001	MISC GRANTS	-	-	10,000.00	0.0000
44-2410-0003	STATE FORMULA GRANT	210,911.00	210,911.00	185,000.00	114.0100
44-2510-0001	GRANT-STATE PASS THRU-FED	(2,800.00)	(2,800.00)	350,000.00	-0.8000
44-4100-0050	USE OF PY FUND BALANCE	-	-	158,270.12	0.0000
		216,611.00	329,460.13	925,870.12	35.58%
45-1501-0001	INT-CK ACCT-BENCHMARK	39.63	78.57	400.00	19.6400
45-1502-0001	RENT-HANGER SPACE	-	-	6,660.00	0.0000
45-1502-0002	AIRPORT MAINTENANCE FEE	-	-	2,040.00	0.0000

**TOWN OF FARMVILLE
REVENUE REPORT
AS OF AUGUST 31, 2024**

Account Id	Description	Current Revenue	YTD Revenue	Anticipated	% Realized
45-1690-0001	SALE OF AV GAS	3,456.65	6,723.79	65,000.00	10.3400
45-1691-0001	SALE OF JET FUEL	4,886.50	6,994.00	70,000.00	9.9900
45-1899-0001	DONATIONS-PRINCE ED COUNTY	-	3,800.00	7,600.00	50.0000
45-2401-0008	STATE GRANT-AWOS MAINT	-	-	3,600.00	0.0000
45-2401-0013	STATE GRANT-MAINTENANCE	-	-	31,500.00	0.0000
45-2401-0014	STATE GRANT-WEED KILL	-	-	1,000.00	0.0000
45-2401-0056	GRANT-STATE-DBE Plan Update FY26-28	-	-	1,200.00	0.0000
45-2401-0057	GRANT-STATE-Envir Assess Fuel Farm	-	-	16,000.00	0.0000
45-2401-0058	GRANT-STATE-TRACTOR-DOAV	-	-	18,500.00	0.0000
45-2403-0001	MISC GRANTS	-	-	50,000.00	0.0000
45-2501-0056	GRANT-FED-DBE Plan Update FY26-28	-	-	13,500.00	0.0000
45-2501-0057	GRANT-FED-Envir Assess Fuel Farm	-	-	180,000.00	0.0000
45-2501-0058	GRANT-FED FAA PROJECTS	-	-	437,400.00	0.0000
45-4100-0050	USE OF PY FUND BALANCE	-	-	209,827.49	0.0000
TOTAL AIRPORT FUND		8,382.78	17,596.36	1,114,227.49	1.58%
70-1501-0001	INTEREST	1.77	3.52	-	0
70-1501-0003	INT-PRNG TASK FORCE	0.36	0.72	-	0
70-2404-0001	ASSET FORFEITURE-STATE	-	220.50	-	0
TOTAL FUND 70		2.13	224.74	-	0.00%
Final Totals		1,397,288.81	2,553,522.29	26,142,998.27	9.77%

August 2024 - Salaries

Below are the departments with explanations that are over their 2 Month Actual to Budget.

This percentage should be at 100% or below.

		<u>Actual/Budget</u>	
10-312	Salaries-Overtime-Police	134.00%	Shift Coverage and Special Events Coverage.
10-710	Summer Camp	322.00%	Camp Counselors paid in July 2024

FY25 INFORMATION	<u>Total All Funds</u>
	Expended YTD 1,170,040
	2 Mo Budget Amt <u>1,268,912</u>
	(98,872)
Expended through August for Salaries is \$98,872 less than our	
2 Month Budget Amount.	

FY24 INFORMATION (PRIOR YEAR)	<u>Total All Funds</u>
	Expended YTD 1,063,822
	1 Mo Budget Amt <u>1,174,510</u>
	(110,688)
Expended through August for Salaries is \$110,688 less than our	
2 Month Budget Amount.	



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 6.a. – Discussion: Proposed Ordinance No. 234 - Amending Section 29-35(b) of Article IV of Chapter 29 - Fences

BACKGROUND: Verbal report by the Town Manager and Community Development Director.

A Public Hearing was held on the proposed ordinance at the August 14, 2024, Regular Council Meeting with input being received from community members. A motion was made and carried, to send the topic back to the Planning Commission and for the Town Manager to gather different ordinances for Council members to review.

RECOMMENDATION:

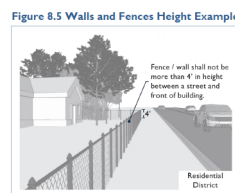
FISCAL IMPACT:

ATTACHMENTS:

1. Fence Ordinances - Other Localities

Section 8-2-9. Walls and fences. [1-3-2023 by Ord. No. 2023.01.03]

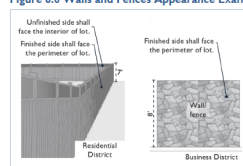
- (a) Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.
- (b) The provisions of this section shall apply to all construction, reconstruction, or replacement of fences or walls except:
 - (1) Those required for support of a principal or accessory structure;
 - (2) Engineered retaining walls necessary to the development of a site; or
 - (3) Temporary fences for construction activities, tree protection, and erosion and sediment control.
- (c) Fences or walls shall not be located within the public right-of-way.
- (d) Fences and walls may be located within any required yard or setback.
- (e) Fences located within an easement shall receive written authorization from the easement holder or the Town (as appropriate). The Town shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- (f) No fence or wall shall be installed in a manner or in a location so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan.
- (g) Fences and walls within buffers shall be installed so as not to disturb or damage existing vegetation or installed plant material.
- (h) No fence or wall shall be constructed in a manner or in a location that impairs safety or sight lines for pedestrians and vehicles traveling on public rights-of-way.



- (i) Appearance.
 - (1) Customary materials. Fences and walls shall be constructed of any combination of treated wood posts and vertically oriented planks, rot-resistant wood, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed to resemble these materials.
 - (2) Height. Fences and walls shall be permitted in accordance with the following standards:
 - a. No fence or wall between a street and a front building line shall be more than four feet in height;

- b. A fence or wall in any residential zoning district shall not exceed seven feet in height above the existing grade without approval of a special use permit; and
 - c. A fence or wall in any business zoning district shall not exceed eight feet in height above the existing grade without approval of a special use permit.
- (3) Finished side to outside. Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter of the lot rather than the interior of the lot.
- (4) Compatibility of materials along a single lot side. All fencing or wall segments located along a single lot side shall be composed of a uniform style, material, and color compatible with other parts of the fence or wall.
- (5) Chain-link fencing shall be allowed, subject to the following requirements:
- a. Agricultural districts: chain-link fencing is permitted on lots within agricultural zoning districts.
 - b. Residential districts: chain-link fencing is permitted on lots within residential zoning districts, provided it does not include opaque slats.
 - c. Industrial districts: chain-link fencing shall be allowed on lots within industrial zoning districts, provided it is coated with black or dark green vinyl. Where opaque fencing is required, the chain-link fencing may include black or dark green opaque slats.
 - d. Business/planned districts: chain-link fencing shall only be allowed on lots within business or PTD zoning districts where the chain-link fencing is not visible from any street right-of-way. The chain-link fencing shall be coated with black or dark green vinyl. Where opaque fencing is required, the chain-link fencing may include black or dark green opaque slats.
 - e. Old and Historic District: chain-link fencing is prohibited.
- (j) Prohibited materials. Fences or walls made of debris, junk, rolled plastic, sheet metal, plywood, or waste materials are prohibited in all zoning districts unless such materials have been recycled and reprocessed into new building materials.
- (k) Maintenance. All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. The owner of the property on which a fence or wall is located shall be responsible for maintenance, including but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Figure 8.6 Walls and Fences Appearance Example



Sec. 86-600. - Location and design of fences.

- (a) Except as stipulated in section 86-599 (above), fences may be constructed in any location, on any lot. The maximum height of a fence shall not exceed seven feet in the side and rear yard.
- (b) On any lot, fences located in front of the building line shall not exceed 42 inches in height. No solid/privacy or chain link or other wire type fencing shall be permitted in the front yard.

(Ord. of 10-11-2011(3), § 2)

Sec. 24-470. - Control of vision clearance.

No shrubs, plants, hedges, fence, wall marquee, or other obstruction, except vehicles lawfully parked, located on the real estate owned by any landowner or occupied by any tenant, shall obscure the vision of operators of motor vehicles utilizing an intersection. None of the above obstructions, obscuring vision, shall exceed 2½ feet in height above the extended plane of the nearest edge of the hard surface or gravel surface, of the street or road nearest to the obstruction at the intersection of a street, road, or railroad line.

(Zoning Ord. 2003, § 18.1-604)

Sec 21-255 Exceptions To Yard Requirements

Except for required visibility at intersections as provided in this article, the following may be located within required yards:

- (a) *Fences and walls.* Fences and walls not exceeding four (4) feet in height may be located within required front and street side yards. Fences and walls not exceeding eight (8) feet in height may be located within required side and rear yards. All other fences and walls shall be subject to all yard requirements applicable to buildings and structures.
- (b) *Yard accessories.* Poles, posts, similar customary yard accessories and ornaments, and permitted signs for which no specific yard requirement is set forth elsewhere in this chapter, may be located within required yards.

HISTORY

Adopted by Ord. [98-23](#) § 1 on 12/15/1998

Amended by Ord. [2011-09](#) on 4/30/2012

ARTICLE III - SUPPLEMENTARY REGULATIONS

301 SECTION 301 – WIDENING OF HIGHWAYS AND STREETS

Whenever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the Town Council for the widening of any street or highway, the Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planning right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

302 SECTION 302 – VISUAL OBSTRUCTION

In the case of corner lots in residential districts, there shall be no planting, fence, or obstruction to vision more than three (3) feet high, less than twenty (20) feet from the intersection of two street right-of-way lines.

303 SECTION 303 – FENCES

303.1 No fragile, readily flammable material such as paper, cloth, or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

303.2 No fence shall be constructed within two (2) feet of any right-of-way line **(12/98)**, except on corner lots as set forth in Section 302.

303.3 Fences shall not exceed a height of six (6) feet as measured from the top-most point thereof to the ground or surface, along the center line of the fence, in a commercial or residential zone, except on corner lots as set forth in Section 302.

303.4 Fences in commercial zones shall not exceed a height of six (6) feet, as measured from the top-most point thereof to the ground or surface, along the center line of the fence, except on corner lots as set forth in Section 302. The Planning Commission may approve fences of up to ten (10) feet in height on a case-by-case basis. **(12/98)**

303.5 Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of fourteen (14) feet.

SECTION 304 – BUILDINGS TO HAVE ACCESS

304.1 Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

304.2 A driveway to and from a commercial or industrial use shall be deemed to be integral with such use and shall not be deemed to be a permitted use in any residential district.

Sec. 5730 - Fences and walls.

- (a) Fences may be constructed in any location on any lot, except as prohibited for traffic safety and visibility.
- (b) Fences and walls shall not obstruct views at street intersections, and shall not be located in the sight triangle as defined in Town Code Section 21-304.
- (c) Fences and walls between a street and front building line shall not be more than four (4) feet in height except as required in specific zoning district regulations.
- (d) Fences located behind the front building line shall not exceed eight (8) feet in height.
- (e) Barbed wire, electric wire, or high tensile wire fencing shall only be permitted in the Rural Residential districts. However, barbed wire used in conjunction with and on top of chain link security fencing shall be permitted for allowable storage areas in commercial, industrial, and office districts.
- (f) Gabion retaining walls shall be screened from view of the right-of-way and adjacent properties, except when used for stream flow protection.

(Ord. No. 1415, § 30, 7-11-06)

Sec. 74-782. Walls, fences and other obstructions.

- (a) Generally. Walls, fences and other obstructions which may restrict passage over property lines or which may obstruct line of sight or vision across property lines may be erected or placed with the town, except as provided as follows:
 - (1) No such wall, fence or obstruction within a front yard shall exceed a height of 3½ feet as measured from grade at the front property line in a residential district.
 - (2) No such wall, fence or obstruction other than landscaping in a side or rear yard shall exceed an average height of six feet in a residential district, except that such structures, when attached to a principal building, may not exceed eight feet in height when clearly incidental to a function of the building rather than a site improvement.
 - (3) In all zoning districts, no such walls, fences or other obstruction may be placed on any corner lot in such a manner to obstruct vision or line of sight from any intersection.
 - (4) No such walls, fences or other obstructions shall be electrified, barbed or secured in a dangerous manner in any residential district.
 - (5) Such walls, fences and other enclosures for special uses, such as swimming pools, transformers and electrical substations, may not be subject to this section in accordance with the determination of the zoning administrator.
 - (6) In business and industrial districts, such walls, fences or other obstructions which are clearly used for safety or security purposes may supersede these height requirements with approval of the zoning administrator.
- (b) Zoning permit required. No such wall, fence or other obstruction shall be erected or placed in the town without a zoning permit having first been obtained. Any fence, wall or other obstruction which does not meet requirements of this provision must be approved by the planning commission before issuance of such zoning permit.
- (c) Violations. Violations of this section shall be punished as provided in section 74-7.

(Ord. of 6-26-2000, § 20-105)

ARTICLE 4 RESIDENTIAL LIMITED R-1 DISTRICT

Statement of Intent

The general intent of this district is to promote single-family dwelling units and open areas. The district is established to protect and enhance the essential characteristics of residential communities and to promote a suitable environment for family life. The housing pattern is a typical suburban style with a density of 2 to 4 units per acre. Single-family residential properties of various types and sizes are contributing to a collaborative and harmonious community.

4-1 Permitted Principal Uses:

- A. Within this Zoning District, a building and/or land shall be used for the following purposes with an approved site plan:
 - 1. Church/House of Worship
 - 2. Family day homes
 - 3. Group homes
 - 4. Minor home occupations.
 - 5. Parish house
 - 6. Public parks/playgrounds
 - 7. Private boat pier
 - 8. Public facility
 - 9. Single-family dwelling
 - 10. Subdivisions (major and minor)

4-2 Accessory Uses:

- A. Within this Zoning District, a building and/or land shall be used for the following. All accessory uses shall need to be shown on the approved site plan. Accessory uses cannot be established until the principle use has been established.
 - 1. Accessory Apartment
 - 2. Accessory structures
 - 3. Church cemetery accessory with Place of Worship
 - 4. Family healthcare structure
 - 5. Fence(s)
 - 6. Home gardens
 - 7. Storage of operable motor vehicles and operable recreational vehicles, trailers, and marine vehicles provided the vehicles are parked in the side or rear yards in accordance with Article 18 of this ordinance.
 - 8. Storm water management facilities/BMP
 - 9. Yard sales

4-3 Conditional Uses (Conditional Use Permit Required)

- A. The following uses require a Conditional Use Permit. If after a review of the application and public hearing, in accordance with Article 16, if the Town Council finds that the proposed use is consistent with the intent of the Land Use Plan, and is in the public interest, the following uses may be permitted. Subject to an approved site plan and any conditions imposed by Town Council.

1. Accessory Apartment in excess of 750 square feet
2. Assisted living facility
3. Bed & Breakfast
4. Community center
5. Library
6. Major home occupation
7. Nursing home/Convalescent center
8. School

4-4 Bulk & Area Regulations

Table 4.4-1 Principal Structure Requirements

Zoning District – R-1: Bulk & Area Regulations for the Principle Structure	
Minimum lot area	12,000-square feet
Maximum lot coverage w/out mitigation	36%
Front Setback minimum	20-feet from Road Right-of-way
Front Setback maximum	35-feet from Road Right-of-way
Rear Setback minimum	35-feet
One-side setback	7-feet
Sum of side setbacks (left & right)	15-feet
Minimum street frontage	50-feet
Minimum street frontage on cul de sac/curve	30-feet
Minimum lot width at front setback	50-feet
Maximum height	35-feet above finished grade
Off-street parking	2-spaces (380 sq. ft. total)
Flood proofing	3-feet above base flood elevation
Landscaping (new construction)	2-Street trees in the front yard
Minimum caliper (size) of street trees	2.5 inches at time of planting
Floor area ratio (FAR)	0.4

Table 4.4-2 Accessory Structure Requirements

Zoning District – R-1: Bulk & Area Regulations for the Accessory Structure	
Front setback	Must be located in rear/side yard
Rear setback	3-feet
Side setback	3-feet
Setback from principal structure	10-feet
Maximum size	30% of gross square footage of principal structure
Maximum height	34-feet above finished grade or 1-foot below principal structure or whichever is less
Flood Proofing	3-feet above base flood elevation
Fence height in Front Yard	4-feet
Fence height in Side & Rear Yards	6-feet (per USBC)
Fence Setback	0-feet; except corner lots
Fence Setback for Corner Lots	15-ft; from intersection (sight triangle)
Accessory structures cannot have separate meters/service connections for utility services	

Table 4.4-3 Accessory Apartment Requirements

Zoning District – R-1: Regulations for the Accessory Apartment	
Number of Units	1 permitted with single family dwelling
Bedrooms	Maximum of 2
Entrances	Located to the side or rear of the principal structure (not facing a public right-of-way) or to the side/above of accessory structure.
External Appearance	Consistent with single-family dwelling
Maximum size*	750 square feet or 25% of the habitable space of the principal structure with a maximum building footprint of 20 ft. by 20 ft.
Addresses & Utilities	No separate 911 addresses or utility connections. Billing registration shall be in the name of the owner(s) of the principal structure
Parking	1 additional space (190 square feet)
Use	The accessory apartment shall be used as a residential structure and no commercial or home occupation may be conducted from the accessory apartment
Building Code	All accessory apartments shall be subject to the requirements of the Statewide Uniform Building Code in particular sections 309, 406 and 508
Deed Restriction	Prior to occupying an accessory apartment a deed restriction stipulating the accessory apartment will be constructed, used, occupied and maintained in accordance with these provisions. The owner must reside in either the principal structure or the accessory structure.
Setbacks:	
Attached	Adhere to the setbacks of the principal structure (Table 4.4-1)
Detached	Adhere to setbacks for accessory structure (Table 4.4-2)
Height	35-feet maximum
None of the following may be used as an accessory apartment: travel trailers, campers, motor homes/recreational vehicles, tents, camp cabins, shipping containers, auto-trailers or semi-trailers, or mobile/manufactured homes.	

***Note:** An accessory apartment (AA) in excess of the 750-square feet or 25% of the habitable space may be permitted by conditional use provided the maximum size of the accessory apartment does not exceed 950-square feet or 40% of the habitable space, whichever is less. Accessory apartments in existence at the time of adoption of this ordinance are grandfathered and are not subject to these regulations.

4-5 Fencing

- A. Fences cannot impair vehicular or pedestrian visibility
- B. Finished sides shall face toward neighboring properties
- C. Fences shall not be taller than six (6) feet above finished grade

4-6 Development Standards for the R-1 District

A. R-1 Development Standards

1. The following standards apply to all new construction or redevelopment within this district. All development standards shall be shown on the approved site plan(s).
2. Surveys/site plans shall be required to be submitted and approved prior to approval of zoning/building permits. Surveys shall be consistent with the requirements of Article 14 of this ordinance.
3. Site surveys shall provide for the management of stormwater in accordance with State regulations
4. All mechanical equipment whether rooftop or ground level shall be screened from view of public rights-of-way and designed as an integral part of the structure
5. No portion of the principal building that is constructed of unadorned concrete block or corrugated and/or sheet metal shall be visible from any public right-of-way(s)
6. Curb, gutter and sidewalks shall be installed prior to Certificate of Occupancy at the developer's expense on all undeveloped lots. If during construction of an existing site sidewalk/curb is broken the entire section of curb/sidewalk shall be replaced in accordance with Town standards at the developer's/applicant's expense.
7. Minor home occupations may have a sign which is no more than three (3) square feet in size (1.5 feet long and 1.5 feet wide).
 - i. Sign shall not be illuminated
 - ii. Sign shall be affixed to exterior wall of the principal structure
8. Minor home occupations may see clients on an appointment only basis
9. All principal structures shall be placed on a permanent foundation.
10. Barbed or razor wire fence is prohibited.
11. Setbacks shall be measured from exterior foundation walls.
12. Projections beyond the foundation wall may extend up to 3-feet into the setback.
13. Projections shall be incorporated into the structure so as to appear as an integral part of the building. Such features shall not be considered in determination of setbacks.
14. Accessory structures, parking areas, decks, trash collection areas and other utilitarian areas shall be located in a manner that is sensitive to adjacent structures and screened from public rights-of-way.
15. Any development or redevelopment project must have a harmonious and compatible relationship with the surrounding neighborhood.

4.7 Additional Standards

- A. See Article 22 of this ordinance for site specific requirements concerning the Chesapeake Bay Act
- B. See Article 12 for Sign Regulations and Article 18 Supplementary Regulations

§ 286-530.20. Location and design of fences.

- A. No fence shall be erected by any person without first obtaining in writing a permit from the Administrator.
- B. Except as provided for in § 286-530.18, fences may be constructed in any location, on any lot. The maximum height of a fence shall not exceed seven feet in the side and rear yard.
- C. On any lot, fences located in front of the building line shall not exceed 42 inches in height. No solid/privacy or chain link or other wire type fencing shall be permitted in the front yard.
- D. Use of barbed wire or electrified fencing is prohibited. **[Added 8-14-2012 by Ord. No. 12-14]**

Sec. 70-17. - Fences.

The setback and yard requirements of this chapter shall not be deemed to prohibit any fence, wall, or hedge which is less than four feet high; however, a fence or wall along the rear lot line or along a side lot line to the rear of the required front setback line may be erected to a height not exceeding eight feet.

(Code 1990, § 15-16; Ord. of 1-18-1979, § 12-14)

(Amended 6-22-15-Effective Upon Passage)

1. Temporary parking of up to three (3) consecutive days, located entirely on private property, and on a paved driveway, for the sole purposes of cleaning and preparing the unit for use or storage.
2. Temporary parking of up to fourteen (14) days within any calendar month, up to three times during the calendar year, for temporary accommodation of visitors. The vehicle shall not be permanently connected to public utility system. However, the vehicle may be connected to electricity temporarily for charging batteries or other purpose related to the preparation of the vehicle for use.
3. Temporary parking for the purpose of camping where campgrounds are permitted, or permitted by special use permit.
4. Extensions of time to the above restrictions of this subsection may only be granted under the same conditions as found under Section 175-109.2.E.

(Amended Section 7-22-96-Effective Upon Passage)

(Amended "B" and Added "1-4" 1-28-13-Effective Upon Passage)

175-101 VISIBILITY AT INTERSECTIONS

On a corner lot, nothing shall be erected, placed, planted or allowed to grow, except street signs, utility poles or traffic signs, in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center-line grades of the intersecting streets in the area bound by the street lines of such intersecting streets and a line joining the street center lines at a distance of fifty (50) feet from the point of intersection.

175-102 FENCES

A. No fragile, readily flammable material, such as paper, cloth or canvas, shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

B. Fences on corner lots shall meet the requirements of Section 175-101.

(Amended 8-14-98-Effective Upon Passage)

C. Fences in residential districts shall not exceed the height of four (4) feet in the required front yard or six (6) feet in the side or rear yard as measured from the top most point thereof to the ground or surface, along the center line of the fence.

(Added 2-24-03-Effective Upon Passage)

D. Within commercial zoning districts, fences located within the front yard shall not exceed the height of six (6) feet as measured from the top most point thereof to the ground or surface, along the center line of the fence. Fences located within commercial zoning districts may be eight (8) feet in height when located within a side or rear yard. The Planning Director may authorize fences in the front yard to be up to eight (8) feet in height when the additional height is determined to be

necessary for safety or screening purposes of permitted uses. Appropriate landscape screening may be required for approval of additional fence height in the front yard.

(Amended 2-24-03 and 2-25-13-Effective Upon Passage)

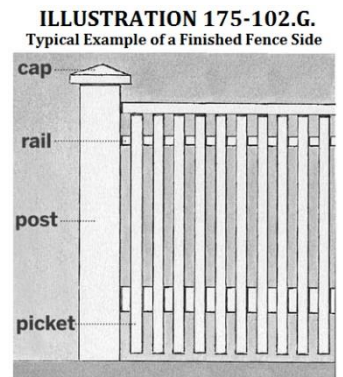
E. Fences surrounding industrial sites, public playgrounds, institutions or schools may not exceed a height of fourteen (14) feet.

F. No fence shall be constructed or altered to include protruding nails, or other materials, that would create a dangerous condition.

(Added "F" 2-25-13-Effective Upon Passage)

G. Notwithstanding the other requirements of this chapter, a finished fence side shall face toward improved public streets and adjoining lots used for residential purposes. For the purposes of this requirement, a finished fence side shall consist of the side covered with pickets, or similar material, such as, but not limited to, panels, wire, and/or fabric, if any, and opposite of a side with exposed rails, or similar supports, excluding posts and caps, *Illustration 175-102.G. depicts a typical finished side of a fence.*

(Added "G" 3-24-14-Effective Upon Passage)



175-103 ACCESS TO STREETS, SERVICES, FIRE PROTECTION AND PARKING

Every building hereafter erected or moved shall be on a lot adjacent to a public or private street approved by the Town, and all buildings shall be located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

175-104 OFF-STREET PARKING

All new uses or developments, and changes of use, shall comply with the off-street parking requirements of Chapter 148.

(Amended 5-14-90, 6-23-92, 3-22-93, 4-14-97 and 6-22-15-Effective Upon Passage)

175-105 OFF-STREET LOADING

All new uses or developments, and changes of use, shall comply with the off-street loading requirements of Chapter 148.

(Amended Section 6-22-15-Effective Upon Passage)

Chapter 420. Zoning

Article XIV. Landscaping

§ 420-14.8. Walls and fences.

Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.

- A. The provisions of this section shall apply to all construction, reconstruction, or replacement of fences or walls except:
 - (1) Those required for support of a principal or accessory structure.
 - (2) Engineered retaining walls necessary to the development of a site.
 - (3) Temporary fences for construction activities, trees protection, and erosion and sediment control.
- B. Fences or walls shall not be located within the public right-of-way.
- C. Fences and walls may be located within any required yard or setback.
- D. Fences located within an easement shall receive written authorization from the easement holder or the City (as appropriate). The City shall not be responsible for damage to, or the repair or replacement of, fences that must be removed to access such easements or facilities.
- E. No fence or wall shall be installed in a manner or in a location so as to block or divert a natural drainage flow on to or off of any other land, unless the fence or wall has specifically been approved as part of an approved stormwater management plan.
- F. A fence or wall in any residential zoning district shall not exceed seven feet in height above the existing grade without approval of a conditional use permit.
- G. A fence or wall in any commercial zoning district shall not exceed eight feet in height above the existing grade without approval of a conditional use permit.
- H. No fence or wall shall be constructed in a manner or in a location that impairs safety or sight-lines for pedestrians and vehicles traveling on public rights-of-way.
- I. All fences and walls and associated landscaping shall be maintained in good repair and in a safe and attractive condition. The owner of the property on which a fence or wall is located shall be responsible for maintenance, including, but not limited to, the replacement of missing, decayed, or broken structural and decorative elements.

Sec. 120.1-163. - Exceptions to yard requirements.

Except as provided in section 120.1-168 pertaining to visibility at intersections, the following may be located within required yards:

(1) *Fences and walls:*

- a. Fences and walls not exceeding four feet in height may be located within required front and street side yards.
- b. Fences and walls not exceeding six and one-half feet in height may be located within required side and rear yards.
- c. Fences and walls not specifically exempted by the provisions of this section shall be construed as structures, and shall be subject to all yard requirements.

(2) *Temporary fencing* means fencing designated for particular uses for limited time. Construction fencing is allowed during the construction on a lot but not to be considered permanent fencing. This type of fencing must be removed within two months of construction completion. Fencing for protection against blowing snow (snow fencing) is allowed from November 1 until March 31 of the immediately following year (no more than four and one-half months) but is not considered permanent.

(3) *Yard accessories.* Poles, posts, similar customary yard accessories and ornaments, and permitted signs for which no specific yard requirement is specified elsewhere in this chapter, may be located within required yards.

(Ord. No. 1553, 5-14-07)

Sec. 58-841. - Exceptions to yard requirements.

Except for required visibility at intersections, as provided in this division, the following may be located within required yards:

- (1) *Fences and walls.* Fences and walls not exceeding four feet in height may be located within required front and street side yards. Except on a corner lot, fences and walls not exceeding six feet in height may be located within required side and rear yards. For the purpose of determining the required front yard setback for fences, the required front yard shall be the established front yard setback for the applicable district, or the actual setback of the primary building wall of the structure in the case of a nonconforming front yard setback. On a corner lot, fences and walls shall not exceed four feet in height on all street frontages. An additional one foot of fence or wall height shall be permitted for posts, columns or gates. All other fences and walls shall be subject to all yard requirements applicable to buildings and structures.
- (2) *Yard accessories.* Poles, posts, similar customary yard accessories and ornaments, and permitted signs for which no specific yard requirement is specified elsewhere in this chapter, may be located within required yards.

(Code 1996, § 114-135; Ord. of 2-10-2014, § 2)

Sec. 21-611. - Fences and walls.

- (a) *Front yards.* Fences or walls located in front yards shall not exceed four feet in height.
- (b) *Side and rear yards.* Fences or walls located in side and rear yards shall not exceed six feet in height. However, in nonresidential districts open fences may be constructed to a height not to exceed eight feet. An open fence is a fence which permits direct vision through at least 90 percent of the vertical fence surface area, e.g., chainlink or woven wire fence without slats.
- (c) *Corner lots.* Fences or walls located on corner lots shall be subject to section 21-612, Visual obstructions.
- (d) *Required fences.* The requirements of subsections (a) and (b) above shall not prohibit any fences or walls which may be required for screening, security or safety purposes by other sections of this chapter or Code.
- (e) *Colonial Williamsburg historic area CW.* Fences or walls located in the Colonial Williamsburg historic area CW which are of the type that would have existed in this area in the 18th century, and which are based upon satisfactory documented historical evidence provided by the applicant, shall be exempt from the requirements of this section.

(Ord. No. 862, 10-10-91)

Sec. 18-9. - Special regulations regarding yards.

18-9-1 *Yards and open space.* No yard or other space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space on any other lot.

18-9-2 *Yard encroachments.* Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in this Ordinance:

18-9-2.1 Unenclosed porches, decks, or terraces not over three feet above the ground except for railings and roof structures, may extend five feet into a required front yard or corner side yard, ten feet into a required rear yard, and three feet into a required non-corner side yard, provided that any such structure having a roof shall not extend into any required yard area to a greater distance than one-half the required yard depth or width.

(8/16/02, Case TA-02-02, Ord. No. 010-2002)

18-9-2.2 An open, unenclosed paved terrace may project into the required front yard for a distance not exceeding ten feet.

18-9-2.3 Chimneys, fireplaces, or pilasters may not project over two feet into a required yard.

18-9-2.4 Handicap accessibility ramps and steps and staircases without roofs may extend into required yard provided that any access ramp built into the setbacks does not extend further than is necessary per the requirements of the Virginia Uniform Statewide Building Code.

(8/16/02, Case TA-02-02, Ord. No. 010-2002; 1/13/04, Case TA-03-04, Ord. No. 002-2004)

18-9-2.5 Reserved.

Editor's note— Ord. No.2021-6, adopted May 25, 2021, repealed § 18-9-2.5, which pertained to an unenclosed carport.

18-9-2.6 Trash and recycling enclosures may extend into any required rear and side yard but not nearer to any rear or side lot line than a distance of three feet, except for enclosures serving nonresidential uses when adjacent to a residentially zoned lot, in which case a minimum of 15 feet of separation shall be provided.

(1/9/01, Case TA-00-10, Ord. No. 003-2001)

18-9-2.7 Utility boxes, transformers and similar structures which do not create noise, odor, glare, vibration, light, dust or excessive heat and which are less than six feet in height, may be installed in any required rear or side yard.

(1/9/01, Case TA-00-10, Ord. No. 003-2001; 8/16/02, Case TA-02-02, Ord. No. 009-2002)

18-9-2.8 *Repealed.*

(8/16/02, Case TA-02-01, Ord. No. 009-2002; 5/9/17, Case TA-17-111, Ord. No. 2017-11; 12/12/17, Case TA-17-646, Ord. No. 2017-35)

18-9-2.9 *Repealed.*

(8/16/02, Case TA-02-01, Ord. No. 009-2002; 12/12/17, Case TA-17-646, Ord. No. 2017-35)

18-9-2.10 *Repealed.*

(10/12/10, Case TA-10-386, Ord. No. 2010-50; 12/12/17, Case TA-17-646, Ord. No. 2017-35)

18-9-2.11 *Repealed.*

(12/22/15, Case TA-15-589, Ord. No. 2015-27; 12/12/17, Case TA-17-646, Ord. No. 2017-35)

(Ord. No.2021-6, 5-25-2021)

18-9-3 *Fences/walls.*

18-9-3.1 Prior to the installation of any fence, retaining wall or non-retaining wall, a permit shall be obtained from the Administrator. Such permit shall require a fee as provided in Section 23-8. The Administrator may require evidence from the applicant that the proposed fence location does not conflict with any established drainage or utility easement.

(12/12/17, Case TA-17-646, Ord. No. 2017-35)

18-9-3.2 Fences shall be subject to the following requirements pertaining to height, opacity, minimum setback, and special provisions, except as per Section 18-12 of this Ordinance.

Yard Type	Maximum Height	Opacity	Setback	Special Provisions
Front Yard	Four feet	Minimum 25% open (e.g. picket, chain link, rail, etc.)	None	Sections 18-9-3.3, 18-9-3.4, and 18-12-1 apply.
Non-Required Front Yard	Five feet	100% solid permitted	None	Section 18-9-3.2 applies.

Non-Primary Front Yard	Six feet	100% solid permitted	Minimum 3 feet, plus 1 foot for each additional foot of fence height above 3 feet	Sections 18-9-3.3, 18-9-3.4, and 18-12-1 apply.
Side Yard	Eight feet	100% solid permitted	None	Section 18-9-3.2 applies.
Corner Side Yard	Four feet	Minimum 25% open (e.g. picket, chain link, rail, etc.)	None	Sections 18-9-3.3 and 18-9-3.4 apply.
Non-Required Corner Side Yard	Five feet	100% solid permitted	None	Section 18-9-3.3 applies.
Rear Yard	Eight feet	100% solid permitted	None	Section 18-9-3.2 applies.

(12/12/17, Case TA-17-646, Ord. No. 2017-35.)

18-9-3.3 No person shall erect or maintain a fence, wall or other barrier wholly or partially on any lot or premises within the city on a property that is zoned LR, MR, HR, or HR-1, where such fence, wall or barrier is made of, or includes, barbed ends, barbed wire or razor wire, or any similar materials, unless such fence is specifically approved for a use permitted through the conditional use permit process.

(12/12/17, Case TA-17-646, Ord. No. 2017-35.)

18-9-3.4 In the M-1 and M-2 districts, fences up to five feet in height may be installed in a required front or corner side yard provided a setback of at least ten feet is met from the respective front or corner side property line. Any fence that encroaches more than half of the required setback shall have landscape screening installed between the fence and the front or corner

side yard property line consistent with Section 19-5-6.4.d. of this Ordinance. Fences installed pursuant to this section shall not be made of, or include, barbed ends, barbed wire or razor wire, or any similar material.

(12/12/17, Case TA-17-646, Ord. No. 2017-35.)

18-9-3.5 Retaining walls shall be subject to the following requirements pertaining to height and minimum setback, except as per Section 18-12 of this Ordinance. Any retaining wall over three feet in height shall include a railing, fence, or hedge at least 36 inches high along the top to protect persons from injury due to falling.

Yard Type	Maximum Height	Setback	Special Provisions
Front Yard	Three feet	None	Section 18-12-1 applies.
Non-Required Front Yard	Five feet	None	None
Non-Primary Front Yard	Five feet	None	Three feet plus an additional foot for each foot of wall height above three feet, and Section 18-12-1 applies.
Side Yard	Eight feet	None	None
Corner Side Yard	Three feet	None	None
Non-Required Corner Side Yard	Five feet	None	None
Rear Yard	Eight feet	None	None

(12/12/17, Case TA-17-646, Ord. No. 2017-35.)

18-9-3.6 Non-retaining walls shall be subject to the following requirements pertaining to height and minimum setback, except as per Section 18-12 of this Ordinance:

Yard Type	Maximum Height	Setback	Special Provisions
Front Yard	Three feet	None	Section 18-12-1 applies.
Non-Required Front Yard	Five feet	None	None
Non-Primary Front Yard	Five feet	None	Three feet plus an additional foot for each foot of wall height above three feet, and Section 18-12-1 applies.
Side Yard	Eight feet	None	None
Corner Side Yard	Three feet	None	None
Non-Required Corner Side Yard	Five feet	None	None
Rear Yard	Eight feet	None	None

(12/12/17, Case TA-17-646, Ord. No. 2017-35.)

18-9-4 For the purposes of this section, a conditional use permit may be sought for situations where either (1) a property owner can demonstrate that compliance with the above is technically impractical to maintain functionality of the property or (2) Council makes a finding that the proposed alternative design is desirable and consistent with neighborhood character.

(5/9/17, Case TA-17-111, Ord. No. 2017-11; 12/12/17, Case TA-17-646, Ord. No. 2017-35.)



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 7.a. – Ordinance No. 237 - Repealing current language of Chapter 10 - Erosion and Sediment Control and enacting new language to fulfill update regulations from the Virginia Erosion and Sediment Control Program

BACKGROUND: Verbal report by the Town Manager.

RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS:

1. Ordinance No. 237 - Erosion and Sediment Control

ORDINANCE NO. 237

Repealing current language of Chapter 10 – Erosion and Sediment Control and Enacting new language to fulfill update regulations from the Virginia Erosion and Sediment Control Program

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. That the current language in Chapter 10 – Erosion and Sediment Control of the Town of Farmville Town Code be repealed as follows:

~~Sec. 10-1. Title.~~

~~This chapter shall be known as the "Erosion and Sediment Control Ordinance of the Town of Farmville." The purpose of this chapter is to conserve the land, water, air and other natural resources of the town by establishing requirements for the control of erosion and sedimentation, and by establishing procedures whereby these requirements shall be administered and enforced.~~

~~(Ord. No. 37, 6-12-96)~~

~~Sec. 10-2. Authority for chapter.~~

~~This chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (10.1-560 et seq.), known as the Erosion and Sediment Control Law.~~

~~(Ord. No. 37, 6-12-96)~~

~~Sec. 10-3. Definitions.~~

~~As used in this chapter, unless the context requires a different meaning:~~

~~*Agreement in lieu of a plan* means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence, this contract may be executed by the plan-approving authority in lieu of a formal site plan.~~

~~*Applicant* means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.~~

~~*Board* means the Virginia Soil and Water Conservation Board.~~

~~*Certified inspector* means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.~~

Certified plan reviewer means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified program administrator means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Conservation plan, erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Department means the department of conservation and recreation.

Director means the director of the department.

District or soil and water conservation district means a political subdivision of the commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5, of Title 10.1.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of five thousand (5,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating of or filling with earth material or any combination thereof, including the land in its excavated or filled conditions.

Land disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the state, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land

- disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) ~~Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;~~
 - (5) ~~Surface or deep mining;~~
 - (6) ~~Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas;~~
 - (7) ~~Tilling, planting or harvesting of agricultural, horticultural or forest crops or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (section 10.1-604 et seq.) of Chapter 6, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with provisions of Chapter 11 (section 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of section 10.1-1163.~~
 - (8) ~~Agricultural engineering operations including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Chapter 8.1 (§ 62.1-115.1 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation;~~
 - (9) ~~Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;~~
 - (10) ~~Disturbed land areas of less than ten thousand (10,000) square feet;~~
 - (11) ~~Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;~~
 - (12) ~~Shore erosion control projects on tidal waters when the projects are approved by local wetlands boards, the Marine Resources Commission or the U.S. Army Corps of Engineers;~~
 - (13) ~~Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the town.~~

Land disturbing permit means a permit issued by the town for the clearing, filling, excavating, grading, transferring or any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or local control program means an outline or explanation of the various elements or methods employed by the town to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program

and may include such items as a local ordinance, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgage or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee means the person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body or any other legal entity.

Plan approving authority means the department(s) responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of land and for approving plans.

Program authority means a district, county, city or town which has adopted a soil and sediment control program which has been approved by the board.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (section 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.

Stabilized means an area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State erosion and sediment control program or *state program* means the program administered by the state soil and water conservation board pursuant to the State Code including regulations designed to minimize erosion and sedimentation.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

Town means the Town of Farmville.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetation ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

(Ord. No. 37, 6-12-96; Ord. No. 110, 12-13-2006)

Sec. 10-4. Local erosion and sediment control program.

- (a) ~~The town hereby adopts the regulations promulgated by the state soil and water conservation board pursuant to Code of Virginia § 10.1-562 for the effective control of soil erosion, sediment deposition and nonagricultural runoff to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. The Virginia Erosion and Sediment Control Regulations, The Virginia Erosion and Sediment Control Handbook and the Town Code, as amended periodically, are adopted as the standards, reference and guidelines for the local program. The standards contained within these publications are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.~~
- (b) ~~The town designates the town's certified plan reviewer or the Piedmont Soil and Water Conservation District as the plan approving authority.~~
- (c) ~~Pursuant to Code of Virginia § 10.1-561.1, (i) an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer, (ii) inspections of land disturbing activities shall be conducted by a certified inspector and (iii) the erosion control program of (locality) shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~
- (d) ~~The program and regulations provided for in this chapter shall be made available for public inspection at the office of the program administrator.~~

(Ord. No. 37, 6-12-96)

Sec. 10-5. Regulated land disturbing activities; submission and approval of plans.

- (a) ~~Except as provided herein, no person shall engage in any land disturbing activity until he has submitted to the program administrator for the town an erosion and sediment control plan for land disturbing activity and such plan has been approved by the plan approving authority. For commercial, industrial or multi-family residential projects, said plan will require the seal and signature of a professional engineer, land surveyor, architect or landscape architect as defined by the Code of Virginia, § 54.1-400, as amended, or any person certified by the Virginia Department of Conservation (DCR) under Code of Virginia, § 10.1-561, as amended, as a plan reviewer or combined administrator. Where land disturbing activities involve lands under the jurisdiction of more than one (1) local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board of review and approval rather than to each jurisdiction concerned.~~
- (b) ~~The plan approving authority shall, within forty-five (45) days, approve any such plan, if he determines that the plan meets the requirements of the board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter.~~
- (c) ~~The plan shall be acted upon within forty-five (45) days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific~~

reasons for its disapproval. When a plan is determined to be inadequate, the plan approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(d) ~~An approved plan may be changed by the plan approving authority when:~~

(1) ~~The inspection reveals that the plan is inadequate to satisfy applicable regulations; or~~

(2) ~~The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan.~~

(e) ~~In order to prevent further erosion, the town may require approval of a conservation plan for any land identified in the local program as an erosion impact area.~~

(f) ~~When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of an erosion and sediment control plan shall be the responsibility of the owner.~~

(g) ~~State agency projects are exempt from the provisions of this chapter, pursuant to Code of Virginia § 10.1-564.~~

(Ord. No. 37, 6-12-96; Ord. No. 92, 3-9-2005)

Sec. 10-6. Land disturbing permits; fees; bonding; etc.

(a) ~~No person shall engage in any land disturbing activity until he has acquired a land-disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.~~

(b) ~~Fees: A plan review and inspection fee of the amount listed in the town's fee schedule shall be paid to the town at the time of filing erosion and sediment control plans.~~

(c) ~~No land disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed. An approved plan is required for issuance of grading, building or other permits.~~

(d) ~~Bond: All applicants for permits shall provide to the town a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the town treasurer, to ensure that measures could be taken by the town at the applicant's expense should the applicant fail within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the town to take such conservation action, the town may collect from the applicant any costs in excess of the amount of the surety held.~~

~~Within sixty (60) days of the achievement of adequate stabilization, as determined by the program administrator, the bond, cash, escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated.~~

~~These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.~~

(Ord. No. 37, 6-12-96)

Sec. 10-7. Monitoring, reports and inspections.

- (a) ~~The program administrator shall provide for and/or conduct periodic inspections of the land disturbing activity, and may require monitoring and reports from the person responsible for carrying out the plan, to insure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee or person responsible for carrying out the plan shall be given notice of the inspection.~~

~~If the program administrator determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by the ordinance.~~

- (b) ~~Upon determination of a violation of this chapter, the program administrator either may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land disturbing activities have commenced without an approved plan requiring that all of the land disturbing activities be stopped until an approved plan or any required permits are obtained.~~

~~Where an alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, an order may be issued whether or not the alleged violator has been issued a notice to comply. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply.~~

~~The stop work order shall be served in the same manner as a notice to comply, and shall remain in effect for seven (7) days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred.~~

~~If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the order, the program administrator or his designee may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.~~

~~A stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the town. The owner may appeal the issuance of an order to the circuit court of the jurisdiction wherein the violation was alleged to have occurred.~~

~~Any person violating or failing, neglecting or refusing to obey an order issued by the program administrator or his designee may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted.~~

~~Nothing in this section shall prevent the program administrator or his designee from taking any other action authorized by this chapter.~~

~~(Ord. No. 37, 6-12-96)~~

Sec. 10-8. Penalties, injunctions and other legal actions.

~~(a) Violators of this chapter shall be guilty of a class I misdemeanor.~~

~~(b) Any person who violates any provision of this chapter shall, upon a finding of the district court of the county, be assessed a civil penalty. The civil penalty for any one violation shall be one hundred dollars (\$100.00), except that the civil penalty for commencement of land disturbing activities without an approved plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense.~~

~~In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.~~

~~(c) The program administrator may apply to the circuit court of the county to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.~~

~~(d) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the town in a civil action for damages.~~

~~(e) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by the town. Any civil penalties assessed by a court shall be paid into the treasury of the town, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.~~

~~(f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the town may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (d) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (d).~~

- (g) ~~The town's attorney shall, upon request of the town or the permit issuing authority, take legal action to enforce the provisions of this chapter.~~
- (h) ~~Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.~~

~~(Ord. No. 37, 6-12-96)~~

Sec. 10-9. Appeals and judicial review.

- (a) ~~Any applicant under the provision of this chapter who is aggrieved by any action of the town or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for and receive a review of such action by the town council. In reviewing the agent's actions, the town council shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the town council may affirm, reverse or modify the action. The town council's decision shall be final, subject only to review by the circuit court of the county. Any applicant may seek an appeal hearing before the town council provided that the town council and other involved parties have at least thirty (30) days prior notice.~~
- (b) ~~Final decisions of the town under this chapter shall be subject to review by the county circuit court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.~~

~~(Ord. No. 37, 6-12-96)~~

2. Enact the following language as Chapter 10 – Erosion and Sediment Control of the Town of Farmville Town Code as follows:

Sec. 10-1 TITLE, PURPOSE, AND AUTHORITY

- A. *This ordinance shall be known as the ‘Erosion and Sediment Control Ordinance of Farmville, Virginia.’ The purpose of this ordinance is to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources of the Town of Farmville by establishing requirements for the effective control of soil erosion, sediment deposition and non-agricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.*
- B. *This ordinance is authorized by § 62.1-44.15:54 of the Code of Virginia.*

Sec. 10-2 DEFINITIONS

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

"Agreement in lieu of a plan" means a contract between the Farmville Department of Community Development (FDCD) and the owner that specifies conservation measures that must be implemented to comply with the requirements of this ordinance for the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent; this contract may be executed by the FDCD in lieu of formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval in order to obtain authorization for land-disturbing activities to commence.

"Board" means the State Water Control Board.

"Certified inspector for ESC" means an employee or agent of the Virginia Erosion and Sediment Control Program authority who (i) holds a certificate of competence from the department in the area of project inspection or (ii) is enrolled in the Department's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer for ESC" means an employee or agent of the VESCP authority who (i) holds a certificate of competence from the department in the area of plan review, (ii) is enrolled in the department's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 of Chapter 4 of Title 54.1 of the Code of Virginia (§ 54.1-400 et seq.) or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator for ESC" means an employee or agent of the VESCP authority who holds a certification from the department in the classification of program administrator or (ii) is enrolled in the department's training program for program administration and successfully completes such program within one year after enrollment.

"Clearing" means any activity which removes the vegetative ground cover including, root mat removal or topsoil removal.

"County" means the County of Prince Edward or Cumberland.

"Department" means the Virginia Department of Environmental Quality.

"District" or "Soil and Water Conservation District" refers to the Piedmont or Central Soil and Water Conservation District.

"Erosion and Sediment Control Administrator" or "ESC Administrator" means employee or agent of the Farmville Department of Community Development responsible for the administration of Farmville's Erosion and Sediment Control program.

"Erosion and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain

all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 5,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

"Excavating" means any digging, scooping or other methods of removing earth materials.

"Farm building or structure" means the same as that term is defined in § 36-97 of the Code of Virginia and also includes any building or structure used for agritourism activity, as defined in § 3.2-6400, and any related impervious surfaces including roads, driveways, and parking areas.

"FDCD" means Farmville Department of Community Development.

"Filling" means any depositing or stockpiling of earth materials.

"Grading" means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land.

"Land-disturbing permit or approval" means a permit or an approval allowing a land-disturbing activity to commence issued, by FDCD after the requirements of § 62.1-44.15:55 of the Code of Virginia have been met.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Owner" means the same as provided in § 62.1-44.3 of the Code of Virginia. For a land-disturbing activity that is regulated under Article 2.4 of Chapter 3.1 of Title 62.1 of the Code of Virginia (§ 62.1-44.15:51 et seq.) and this ordinance, "owner" also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Percent impervious" means the impervious area within the site divided by the area of the site multiplied by 100.

"Permittee" means the person to whom the permit is issued.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county,

city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Responsible Land Disturber" or "RLD" means an individual holding a certificate issued by the Department who is responsible for carrying out the land-disturbing activity in accordance with the approved erosion and sediment control plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the erosion and sediment control plan or permit as defined in the Virginia Erosion and Stormwater Management Regulation (9VAC25-875) as a prerequisite for engaging in land disturbance. The RLD must be designated on the erosion and sediment control plan or permit as defined in this ordinance as a prerequisite for engaging in land disturbance.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Single-family detached residential structure" means a noncommercial dwelling that is occupied exclusively by one family.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Transporting" means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

"Town" means the incorporated Town of Farmville, Virginia.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the department that is established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of the Erosion and Sediment Control Law (ESCL).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority," for purposes of this ordinance means the Town of Farmville that has been approved by the Department to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 of Chapter 3.1, the State Water Control Law, of Title 62.1 of the Code of Virginia (§ 62.1-44.15:51 et seq.).

"VESCP plan-approving authority" means the Farmville Department of Community Development responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

"VPDES Permit" means a General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, 9VAC25-880, issued by the Department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.

Sec. 10-3 LOCAL EROSION AND SEDIMENT CONTROL PROGRAM

Pursuant to § 62.1-44.15:54 of the Code of Virginia, the Town hereby establishes a Virginia Erosion and Sediment Control Program (VESCP) and adopts the regulations promulgated by the Board (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources).

- A. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified 9VAC25-875-600, unless such land-disturbing activities are in accordance with the grandfathering provisions of 9VAC25-875-490.*
- B. Pursuant to § 62.1-44.15:53 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer for ESC. Inspections of land-disturbing activities shall be conducted by a certified inspector for ESC. The Erosion and Sediment Control Program of the Town shall contain a certified program administrator for ESC, a certified plan reviewer for ESC, and a certified inspector for ESC (who may be the same person.)*
- C. The Town hereby designates FDCCD as the VESCP plan-approving authority.*
- D. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the FDCCD.*

Sec. 10-4 REGULATED LAND-DISTURBING ACTIVITIES

- A. Land-disturbing activities that meet one of the criteria below are regulated as follows:*
 - 1. Land-disturbing activity that disturbs 5,000 square feet or more, is less than one acre, not in an area of a locality designated as a Chesapeake Bay Preservation Area, and not part of a common plan of development or sale, is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) of Part V of the Virginia Erosion and Stormwater Management Regulation (Regulation).*
 - 2. Land-disturbing activity that disturbs 2,500 square feet or more, unless such size is reduced by the Town, is less than one acre, and in an area of a locality designated as a Chesapeake Bay Preservation Area is subject to criteria defined in Article 2 (9VAC25-875-540 et seq.) and Article 3 (9VAC25-875-570 et seq.) of Part V unless Article 4 (9VAC25-875-670 et seq) of Part V of the Regulation is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.*

Sec. 10-5 ACTIVITIES NOT REQUIRED TO COMPLY WITH THE ESCL

- A. Notwithstanding any other provisions of the Erosion and Sediment Control Law (ESCL) for Localities Not Administering a Virginia Erosion and Stormwater Management Program, the following activities are not required to comply with the ESCL unless otherwise required by federal law:*

1. *Disturbance of a land area of less than 5,000 square feet in size*
2. *Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;*
3. *Installation, maintenance, or repair of any individual service connection;*
4. *Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;*
5. *Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;*
6. *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2 of the Code of Virginia;*
7. *Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the board in regulations. However, this exception shall not apply to harvesting of forest crops, unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 of Title 10.1 of the Code of Virginia (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in Subsection B of § 10.1-1163 of the Code of Virginia;*
8. *Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;*
9. *Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Virginia Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to the ESCL and the regulations adopted pursuant thereto;*
10. *Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESCP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of Subsections 10-6, 10-7 and 10-8*

of this ordinance are required within 30 days of commencing the land-disturbing activity;

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

Sec. 10-6 SUBMISSION AND APPROVAL OF PLANS; CONTENTS OF PLANS

- A. Except as provided herein, no person may engage in any regulated land-disturbing activity until he or she has submitted to the FDCD an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the FDCD. No approval to begin a land disturbing activity will be issued unless evidence of VPDES permit coverage is obtained where it is required. Where the land-disturbing activity results from the construction of a (i) single-family detached residential structure or (ii) farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, and the construction does not require fill from an off-site location or removal of cut material to an off-site location, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the FDCD.*
- B. The standards contained within the "Virginia Erosion and Stormwater Management Regulation (9VAC25-875)," or the Virginia Stormwater Management Handbook, as amended are to be used by the applicant when making a submission under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The VESCP plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the Virginia Erosion and Stormwater Management Regulation shall take precedence.*
- C. The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program and 9VAC25-875, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will comply with the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber to the VESCP authority, as required by 9VAC25-875-300 and 9VAC25-875-550, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in denial of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.*

However, the VESCP plan-approving authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure. If a violation occurs during the land-disturbing activity associated with the construction of the single-family detached residential structure, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber to the VESCP authority. Failure to provide the name of the responsible land disturber shall be a violation of this ordinance.

- D. When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.*
- E. The FDCD shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.*
- F. The FDCD may require changes to an approved plan when:*
 - 1. The inspection reveals that the plan is inadequate to satisfy applicable regulations; or*
 - 2. The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the VESCP plan-approving authority and the person responsible for carrying out the plans.*
- G. Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:*
 - 1. At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the VESCP plan-approving authority shall be documented in the plan.*
 - 2. During construction, the person responsible for implementing the approved plan may request a variance in writing from the VESCP plan-approving authority. The VESCP plan-approving authority shall respond in writing either approving or disapproving such a request. If the VESCP plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.*

3. *The Town shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.*
- H. *In order to prevent further erosion, the Town may require approval of a plan for any land identified in the local program as an erosion impact area.*
 - I. *When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.*
 - J. *As an alternative to submitting soil erosion control and stormwater management plans to the FDCD pursuant to § 62.1-44.15:34 of the Code of Virginia, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of (i) a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, or (ii) a stream restoration project for purposes of reducing nutrients or sediment entering state waters may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted. The Department shall have 60 days after receipt in which to act on standards and specifications submitted to it or resubmitted to it for approval.*

Section 10-7. EROSION AND SEDIMENT CONTROL PLAN; CONTENTS OF PLANS

- A. *An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction. The erosion and sediment control plan shall be consistent with the criteria, techniques, and methods set forth in 9VAC25-875-560. The erosion and sediment control plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives in 9VAC25-875-560. The erosion and sediment control plan may include:*
 1. *Appropriate maps;*
 2. *An appropriate soil and water plan inventory and management information with needed interpretations; and*
 3. *A record of decisions contributing to conservation treatment.*
- B. *Plan Format: Any erosion and sediment control plan shall be submitted in paper copy of as many copies as instructed by the FDCD, and in an electronic file of a format instructed by the FDCD.*

- C. *The person responsible for carrying out the plan shall provide the name of an individual holding a certificate who will be in charge of and responsible for carrying out the land-disturbing activity to the VESCP authority. Note: The VESCP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan in accordance with § 62.1-44.15:34 or § 62.1-44.15:55 of the Code of Virginia.*
- D. *If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner.*
- E. *Land-disturbing activity of less than 5,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the Virginia Erosion and Stormwater Management Act (VESMA), ESCL, or this ordinance if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.*

Sec. 10-8 PERMITS; FEES; SECURITY FOR PERFORMANCE

- A. *Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and evidence of Virginia Pollutant Discharge Elimination System ("VPDES") permit coverage where it is required.*
- B. *No person may engage in any land-disturbing activity until he or she has acquired a land-disturbing permit (unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance), has paid the fees and has posted the required bond.*
- C. *An administrative fee of an amount set out in the appropriate fee schedule, shall be paid to the Town at the time of submission of the erosion and sediment control plan.*
- D. *No land-disturbing permit shall be issued until the applicant submits with his or her application an approved erosion and sediment control plan, or agreement in lieu of an approved erosion and sediment control plan, and certification that the plan will be followed.*
- E. *Prior to the issuance of any permit, the Town may also require an applicant to submit a reasonable performance bond with surety, cash escrow, or an irrevocable letter of credit acceptable to the ESC Administrator to ensure that measures could be taken by the Town at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him or her by the approved plan as a result of his land-disturbing activity.*

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance

for estimated administrative costs and inflation which shall not exceed 25% percent of the cost of the conservation action. Should it be necessary for the Town to take such conservation action, the Town may collect from the applicant any costs in excess of the amount of the surety held. Within 60 days of adequate stabilization, as determined by the FDCCD in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Sec. 10-9 MONITORING, REPORTS, AND INSPECTIONS

- A. The responsible land disturber, as defined by § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for and assist in the periodic inspections of the land-disturbing activity. The person responsible for carrying out the plan shall monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.*
- B. The FDCCD shall periodically inspect the land-disturbing activity in accordance with 9VAC25-875-330 to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection and shall such inspection in accordance with § 62.1-44.15:60 and the land-disturbing permit.*

If the ESC Administrator determines that there is a failure to comply with the plan, notice to comply may be served upon the permittee or person responsible for carrying out the plan. Such notice shall be served by delivery by facsimile, e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, if available, or in the land records of the locality; or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice to comply shall specify the measures needed to comply with the land-disturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify a reasonable time within which such measures shall be completed. In any instance in which a required land-disturbance approval has not been obtained, the VESCP authority or the FDCCD may require immediate compliance. In any other case, the VESCP authority or the FDCCD may establish a time for compliance by taking into account the risk of damage to natural resources and other relevant factors. Notwithstanding any other provision in this ordinance, a VESCP authority or the FDCCD may count any days of noncompliance as days

of violation should an enforcement action be taken. The issuance of a notice to comply shall not be considered a case decision, as defined by § 2.2-4001 of the Code of Virginia.

Upon failure to comply within the specified time, any plan approval or land-disturbance approval may be revoked and the permittee or person responsible for carrying out the plan shall be subject to the penalties provided by this ordinance.

- C. *Upon issuance of an inspection report denoting a violation of § 62.1-44.15:55 of the Code of Virginia, the ESC Administrator may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.*

If land-disturbing activities have commenced without an approved plan, the ESC Administrator may issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved erosion and settlement control plan, a stop work order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the alleged violator has failed to comply with such a notice to comply.

The stop work order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven days from the date of service pending application by the Town or permit holder for appropriate relief to the Circuit Court of Prince Edward County or Cumberland County, depending on the location of work, or other appropriate court. The Town shall serve such stop work order for disturbance without an approved plan upon the owner by mailing with confirmation of delivery to the address specified in the land records. The order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan within seven days from the date of service of the stop work order, the ESC Administrator may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan has been obtained. Such an order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the plan or the land records of the Town.

The owner may appeal the issuance of an order to the circuit court of the jurisdiction wherein the violation was alleged to have occurred, either the Circuit Court of Prince Edward County or Cumberland County, or other appropriate remedy.

Any person violating, failing, neglecting or refusing to obey an order issued by the ESC Administrator may be compelled in a proceeding instituted in the Circuit Court of Prince Edward County or Cumberland County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

Upon completion and approval of corrective action or obtaining an approved plan, the order shall immediately be lifted.

Nothing in this section shall prevent the Director of the Department of Community Development from taking any other action authorized by this ordinance or other applicable laws.

Sec. 10-10 PENALTIES, INJUNCTIONS, AND OTHER LEGAL ACTIONS

- A. Any person who has violated, failed, neglected, or refused to obey any order, notice, or requirement of the FDCD any condition of a land-disturbance approval, or any provision of this ordinance shall, upon a finding of a court of competent jurisdiction, be assessed a civil penalty. The civil penalty for any one violation shall be not less than \$100.00 nor more than \$1,000.00, except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$10,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00.*
- B. The Director of FDCD or the owner or property which has sustained damage, or which is in imminent danger of being damaged, may apply to the Circuit Court of Prince Edward County or Cumberland, depending on the location of the property, to enjoin a violation or a threatened violation of §§ 62.1-44.15:55 or 62.1-44.15:58 of the Code of Virginia, without the necessity of showing that an adequate remedy at law does not exist.*

However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

- C. In addition to any criminal or civil penalties provided under this ordinance, any person who violates any provision of the Erosion and Sediment Control Law may be liable to the Town in a civil action for damages.*
- D. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil*

penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the Town.

Any civil penalties assessed by a court shall be paid into the treasury of the Town except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

- E. *With the consent of any person who has violated, failed, neglected, or refused to obey any regulation or condition of a permit or any provision of this ordinance, or order of the FDCC, the Town may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in Subsection D of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under Subsection A or D.*
- F. *The Commonwealth's Attorney shall, upon request of the Town, take legal action to enforce the provisions of this ordinance.*

Sec. 10-11 APPEALS AND JUDICIAL REVIEW

- A. *Final decisions of the Town under this ordinance shall be subject to review by the Circuit Court of Prince Edward County or Cumberland County, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.*

3. This ordinance shall be in full force and effect upon passage.

Approved: _____
Mayor

Attest: _____
Clerk of Council

I certify that the above ordinance was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable A.D. "Chuckie" Reid: _____.

The Honorable Sallie O. Amos _____.

The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairet _____.

The Honorable Adam Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John Hardy _____.



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 7.b. – Zion Subdivision Preliminary Plat/Site Plan Review (Layne Street)

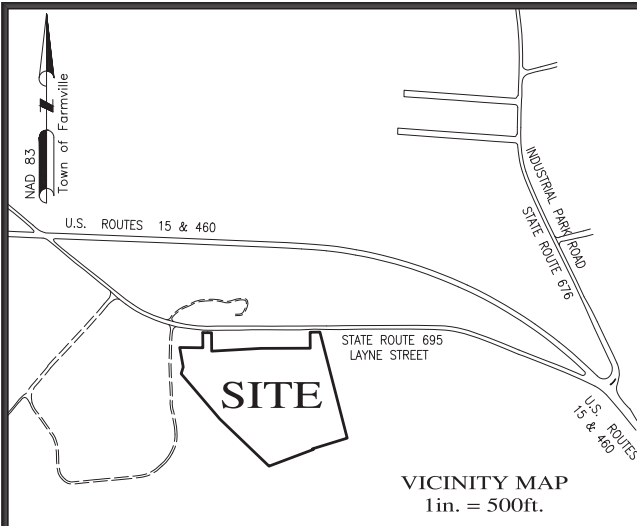
BACKGROUND: Verbal report by the Community Development Director.

RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS:

1. Zion Subdivision - Subdivision Plat-2024-0912-Final



Boundary Line Table		
Line #	Bearing	Distance
L1	S0°08'42"E	36.68'
L2	N49°43'06"E	7.28'
L3	N88°24'01"E	16.38'
L4	N88°24'01"E	50.00'
L5	N88°24'01"E	50.00'
L6	N88°24'01"E	51.00'
L7	N88°24'01"E	27.98'
L8	S14°10'13"E	30.74'
L9	S88°24'01"W	139.33'
L10	N40°16'54"W	39.61'
L11	N40°16'54"W	55.00'
L12	N40°16'54"W	55.00'
L13	N40°16'54"W	22.23'
L14	N0°08'42"W	6.78'
L15	N0°08'42"W	50.09'
L16	N27°51'00"E	50.62'
L17	N88°24'01"E	31.44'
L18	N88°24'01"E	53.00'
L19	N88°24'01"E	53.00'
L20	N88°24'01"E	53.00'

Boundary Line Table		
Line #	Bearing	Distance
L21	N88°24'01"E	4.92'
L22	S14°10'13"E	30.74'
L23	S88°24'01"W	11.61'
L24	S88°24'01"W	53.00'
L25	S88°24'01"W	53.00'
L26	S88°24'01"W	21.71'
L27	N40°16'54"W	40.03'
L28	N40°16'54"W	32.08'
L29	S12°58'05"E	132.32'
L30	S7°28'59"E	112.18'
L31	S1°35'59"E	101.87'
L32	N1°35'59"W	100.58'
L33	N1°35'59"W	101.57'
L34	S1°35'59"E	100.38'
L35	S1°36'01"E	99.16'
L36	S9°41'39"W	102.05'
L37	S26°32'45"W	127.08'
L38	N89°45'55"E	35.44'
L39	N0°16'00"W	67.73'
L40	N45°44'02"E	105.59'

Boundary Line Table		
Line #	Bearing	Distance
L41	N45°44'02"E	161.92'
L42	N75°49'47"E	130.12'
L43	N75°49'47"E	130.65'
L44	S79°21'49"E	157.45'
L45	N20°11'09"E	98.69'
L46	S60°15'54"E	157.45'
L47	N2°07'05"E	111.00'
L48	S82°18'41"E	70.28'
L49	S72°05'41"E	65.75'
L50	N13°56'26"E	111.42'
L51	N24°57'32"E	113.20'
L52	N35°58'38"E	97.68'
L53	S46°23'59"W	94.94'
L54	S49°43'06"W	95.00'
L55	S49°43'06"W	95.00'
L56	S49°43'06"W	95.00'
L57	S57°12'12"W	97.79'
L58	S68°39'45"W	113.61'
L59	S80°07'18"W	114.33'
L60	N89°51'22"E	117.23'

Surveyor

I, Roy S. Coleman, Jr., L.S. do hereby certify that
Zion Subdivision

as shown on this plat contains 10.201 Acres, more or less, and is that land owned by Ben Henry Construction, Inc. by deed recorded as Instrument Number 202102271.

September 12, 2024

Date

Land Surveyor

Owner

This survey of Zion Subdivision containing 5.484 Acres, more or less, in 37 lots; 2.652 Acres, more or less, in Common Space; and 2.065 Acres, more or less, in dedicated public road right of way is in accordance with the desire of the undersigned owner(s), proprietors or trustees.

Date

President of Ben Henry Construction, Inc.

Notary

STATE OF _____

CITY/COUNTY OF _____

I, _____, a Notary Public in and

for the State and City/County aforementioned; do hereby certify that

has on this _____ day of _____, 20____

acknowledged the same before me.

Notary Public

Notary Registration Number _____

My Commission expires _____ day of _____, 20____.

NOTES:

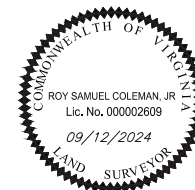
- Tax Map Parcel No.23--A--61.
- This plat has been prepared without the benefit of a title examination and therefore does not necessarily indicate all encumbrances on the property.
- This land is situated in a F.I.R.M. Zone X (areas of minimal flood hazard), as shown on Town of Farmville, Virginia, Map Numbers 51147C0083D (Community Panel No. 510118 0083D) and 51147C0091D (Community Panel No. 510118 0091 D), effective date April 19, 2023
- This plat is based on a current field survey.
- Property currently zoned R3.
- Lots to be served by public water and sanitary sewer.

Current Zoning Requirements:

Zoning District	Area	Minimum Lot Size	Frontage	Minimum Yard Size	Maximum Building Height
R-3 High Density Residential	5,000 sq. ft., plus 2,500 square feet for each additional dwelling unit under 1 roof for lots served by public water and sewer, overall density shall not exceed 16 dwelling units per acre	Setback 35 ft. or more from any street right-of-way which is 50 ft. or greater in width, or 60 ft. or more from the center of any street right-of-way less than 50 ft. in width. Setbacks for townhouses shall be a minimum of 10 ft. from the front, 15 ft. from the rear yard and no side yard	45 ft., plus 15 ft. for each additional dwelling unit	Side 7 ft. or 10% of lot width but not less than 4 feet. Rear 15 ft.	45 ft.

Boundary Curve Table					
Curve #	Radius	Arc Length	Delta	Chord Bearing	Chord Distance
C1	170.00'	118.82'	40°02'46"	S20°10'04"E	116.42'
C2	20.00'	31.42'	90°00'00"	S85°16'54"E	28.28'
C3	230.00'	30.62'	7°37'38"	N53°31'55"E	30.59'
C4	230.00'	45.43'	11°19'02"	N63°00'15"E	45.36'
C5	230.00'	45.49'	11°19'59"	N74°19'45"E	45.42'
C6	230.00'	33.74'	8°24'16"	N84°11'53"E	33.71'
C7	140.00'	27.60'	11°17'38"	S85°57'10"E	27.55'
C8	140.00'	41.18'	16°51'06"	S71°52'48"E	41.03'
C9	140.00'	46.89'	19°11'17"	S53°51'37"E	46.67'
C10	140.00'	20.07'	8°12'48"	S40°09'34"E	20.05'
C11	140.00'	47.63'	19°29'37"	S26°18'22"E	47.40'
C12	140.00'	5.84'	2°23'21"	S15°21'53"E	5.84'
C13	140.00'	13.45'	5°30'13"	S11°25'06"E	13.44'
C14	140.00'	47.17'	19°18'11"	S0°59'06"W	46.94'
C15	140.00'	46.67'	19°05'55"	S20°11'09"W	46.45'
C16	140.00'	143.35'	58°39'55"	S59°04'04"W	137.17'
C17	230.00'	14.92'	3°43'04"	N89°44'27"W	14.92'

Boundary Curve Table					
Curve #	Radius	Arc Length	Delta	Chord Bearing	Chord Distance
C18	230.00'	47.46'	11°49'21"	N81°58'15"W	47.37'
C19	230.00'	44.23'	11°01'06"	N70°33'01"W	44.16'
C20	230.00'	44.23'	11°01'06"	N59°31'55"W	44.16'
C21	230.00'	44.49'	11°04'59"	N48°28'52"W	44.42'
C22	230.00'	10.67'	2°39'28"	N41°36'38"W	10.67'
C23	230.00'	30.05'	7°29'06"	N36°32'21"W	30.03'
C24	230.00'	46.00'	11°27'33"	N27°04'01"W	45.92'
C25	230.00'	46.00'	11°27'33"	N15°36'28"W	45.92'
C26	230.00'	39.07'	9°44'00"	N5°00'42"W	39.03'
C27	170.00'	73.41'	24°44'35"	N68°44'34"E	72.84'
C28	170.00'	21.62'	7°17'10"	N84°45'26"E	21.60'
C29	80.00'	108.11'	77°25'46"	S52°53'06"E	100.07'
C30	80.00'	2.46'	1°45'49"	S13°17'18"E	2.46'
C31	80.00'	140.75'	100°48'25"	S37°59'48"W	123.29'
C32	170.00'	31.47'	10°36'19"	N86°17'50"W	31.42'
C33	170.00'	120.80'	40°42'46"	N60°38'17"W	118.27'



21S0155
FB1247-02

This Subdivision known as:
Zion Subdivision
is approved by the undersigned in accordance with existing regulations and may be admitted to record.

Date

Subdivision Agent

Date

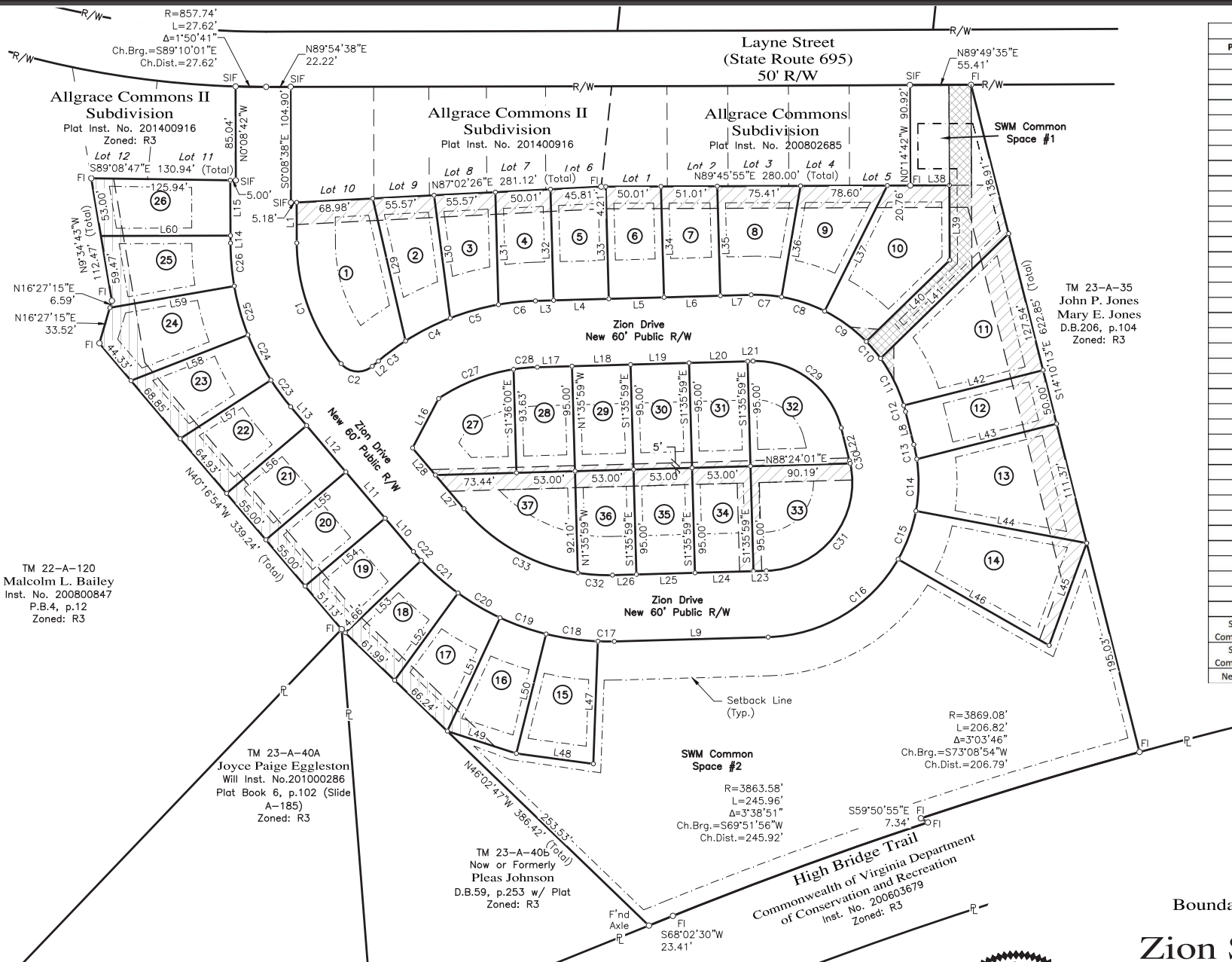
President of Town Council

Cover Sheet (Sheet 1 of 3)

Survey of Zion Subdivision

Town of Farmville, Prince Edward County, Virginia
September 12, 2024

Maxey & Associates, P.C.
Land Surveyors • Engineers • Planners • Consultants
P.O. Box 90 • Farmville • Virginia • 23901 • Tel:434-392-8827



Parcel Label	Parcel Area
1	11153 SF or 0.256 Acres
2	5985 SF or 0.137 Acres
3	5317 SF or 0.122 Acres
4	5027 SF or 0.115 Acres
5	5058 SF or 0.116 Acres
6	5049 SF or 0.116 Acres
7	5088 SF or 0.117 Acres
8	6486 SF or 0.149 Acres
9	6488 SF or 0.149 Acres
10	9400 SF or 0.216 Acres
11	11884 SF or 0.273 Acres
12	6503 SF or 0.149 Acres
13	10856 SF or 0.249 Acres
14	11207 SF or 0.257 Acres
15	6469 SF or 0.149 Acres
16	6111 SF or 0.140 Acres
17	5661 SF or 0.130 Acres
18	5067 SF or 0.116 Acres
19	5039 SF or 0.116 Acres
20	5225 SF or 0.120 Acres
21	5225 SF or 0.120 Acres
22	5595 SF or 0.128 Acres
23	5898 SF or 0.135 Acres
24	7084 SF or 0.163 Acres
25	6295 SF or 0.144 Acres
26	6218 SF or 0.143 Acres
27	6695 SF or 0.154 Acres
28	5025 SF or 0.115 Acres
29	5035 SF or 0.116 Acres
30	5035 SF or 0.116 Acres
31	5035 SF or 0.116 Acres
32	6760 SF or 0.155 Acres
33	7323 SF or 0.168 Acres
34	5035 SF or 0.116 Acres
35	5035 SF or 0.116 Acres
36	5005 SF or 0.115 Acres
37	7488 SF or 0.172 Acres
Stormwater Common Space #2	104079 SF or 2.389 Acres
Stormwater Common Space #1	11471 SF or 0.263 Acres
New Road R/W	89959 SF or 2.065 Acres

TM 22-A-120
Malcolm L. Bailey
Inst. No. 200800847
P.B.4, p.12
Zoned: R3

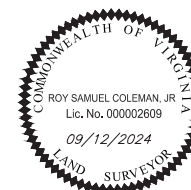
TM 23-A-40A
Joyce Paige Eggleston
Will Inst. No. 201000286
Plat Book 6, p.102 (Slide A-185)
Zoned: R3

TM 23-A-40B
Now or Formerly
Pleas Johnson
D.B.59, p.253 w/ Plat
Zoned: R3

TM 23-A-35
John P. Jones
Mary E. Jones
D.B.206, p.104
Zoned: R3

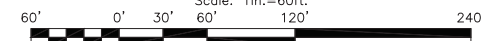
- NOTES:
- See notes on other sheet(s).
 - See Sheet 1 for boundary line and curve tables.
 - Lot boundary corners are to be set iron.
 - Corner Call Legend:

FI = Found Iron
SIF = Set Iron Flush

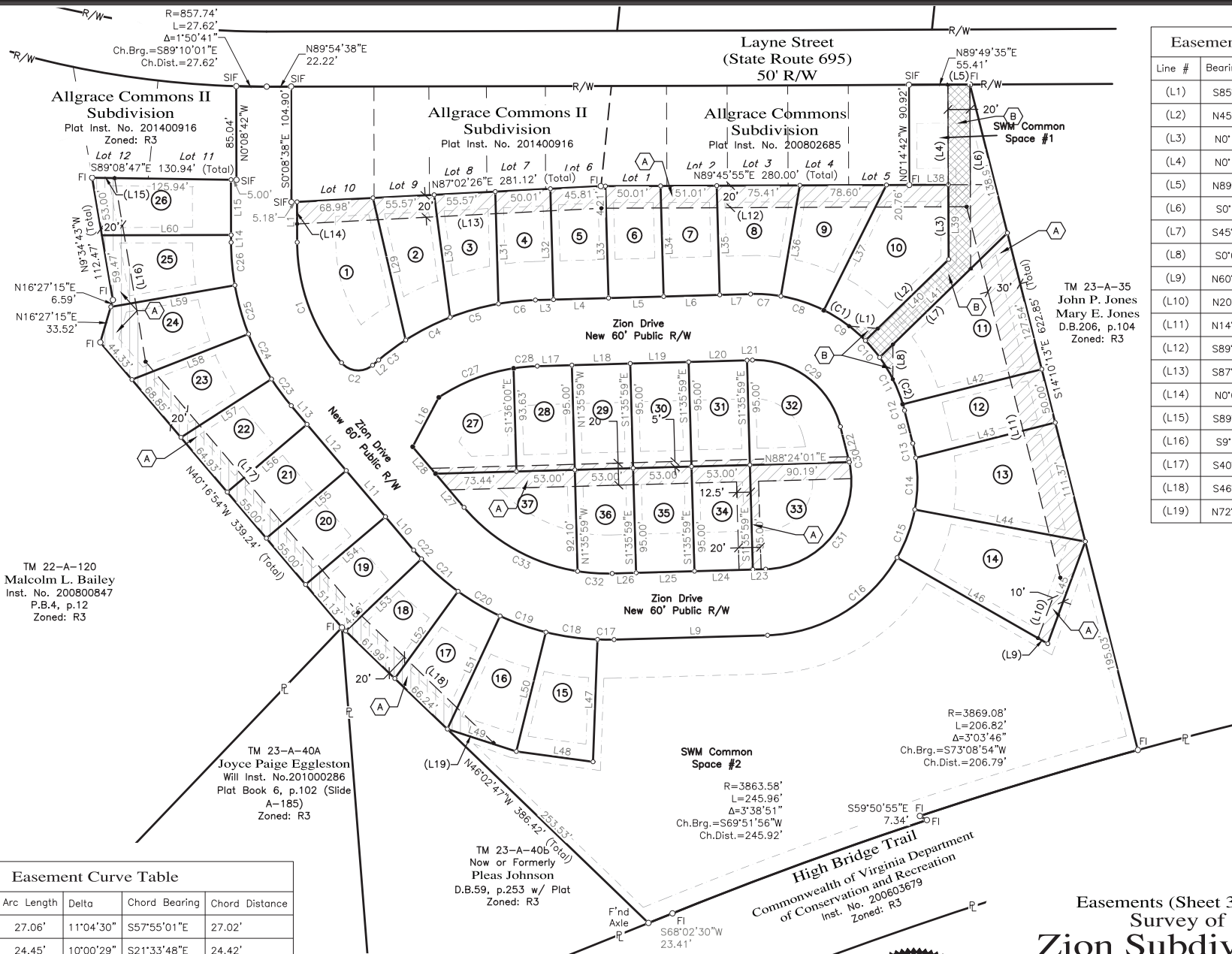


21S0155
FB1247-02

Boundaries (Sheet 2 of 3)
Survey of
Zion Subdivision
Town of Farmville, Prince Edward County, Virginia
September 12, 2024
Scale: 1in.=60ft.



Maxey & Associates, P.C.
Land Surveyors • Engineers • Planners • Consultants
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Easement Line Table		
Line #	Bearing	Distance
(L1)	S85°18'53"E	26.20'
(L2)	N45°44'02"E	89.79'
(L3)	N0°16'00"W	67.73'
(L4)	N0°16'00"W	90.88'
(L5)	N89°49'35"E	20.00'
(L6)	S0°16'00"E	167.07'
(L7)	S45°44'02"W	98.62'
(L8)	S0°07'10"W	31.57'
(L9)	N60°15'54"W	10.14'
(L10)	N20°11'09"E	58.48'
(L11)	N14°10'13"W	347.20'
(L12)	S89°45'55"W	331.51'
(L13)	S87°02'27"W	276.45'
(L14)	N0°08'42"W	20.02'
(L15)	S89°08'47"E	20.34'
(L16)	S9°34'43"E	168.99'
(L17)	S40°16'54"E	298.26'
(L18)	S46°02'47"E	172.80'
(L19)	N72°05'41"W	45.54'

TM 22-A-120
Malcolm L. Bailey
Inst. No. 200800847
P.B.4, p.12
Zoned: R3

TM 23-A-40A
Joyce Paige Eggleston
Will Inst. No.201000286
Plat Book 6, p.102 (Slide
A-185)
Zoned: R3

TM 23-A-40B
Now or Formerly
Pleas Johnson
D.B.59, p.253 w/ Plat
Zoned: R3

SWM Common
Space #2
R=3863.58'
L=245.96'
Δ=3°38'51"
Ch.Brg.=S69°51'56"W
Ch.Distance=245.92'

R=3869.08'
L=206.82'
Δ=3°03'46"
Ch.Brg.=S73°08'54"W
Ch.Distance=206.79'

High Bridge Trail
Commonwealth of Virginia Department
of Conservation and Recreation
Inst. No. 200603679
Zoned: R3

Easement Curve Table

Curve #	Radius	Arc Length	Delta	Chord Bearing	Chord Distance
(C1)	140.00'	27.06'	11°04'30"	S57°55'01"E	27.02'
(C2)	140.00'	24.45'	10°00'29"	S21°33'48"E	24.42'

NOTES:

- See notes on other sheet(s).
- See Sheet 1 for boundary line and curve tables.
- Variable width easement line and and curve labels are in parenthesis ().



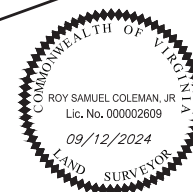
= New Private Easement



= New Public Easement

(A) = New Private Drainage Easement,
Hereby Dedicated

(B) = New Public Sewer Easement,
Hereby Dedicated



21S0155
FB1247-02

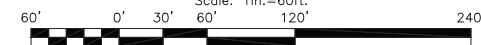
Easements (Sheet 3 of 3)

Survey of Zion Subdivision

Town of Farmville, Prince Edward County, Virginia

September 12, 2024

Scale: 1in.=60ft.



Maxey & Associates, P.C.

Land Surveyors • Engineers • Planners • Consultants
P.O. Box 90 • Farmville • Virginia • 23901 • Tel:434-392-8827



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 7.c. – Updated Farmville Area Bus Title VI Plan

BACKGROUND: The Farmville Area Bus receives public transportation funding from the Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (DRPT). To receive funding from the FTA and the DRPT, the Farmville Area Bus is required to develop policies, programs, and practices that ensure federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI. The plan is to be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS:

1. FAB Title VI Plan and Procedures

Title VI Plan and Procedures
Title VI of the Civil Rights Act of 1964

FARMVILLE AREA BUS



Adopted: 10/09/24

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APPENDICES

- A Title VI Notice to the Public; List of Locations
- B Title VI Complaint Form

I. INTRODUCTION

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of Federal-aid recipients, sub-recipients, and contractors whether those programs and activities are federally funded or not.

Recently, the Federal Transit Administration (FTA) has placed renewed emphasis on Title VI issues, including providing meaningful access to persons with Limited English Proficiency.

Recipients of public transportation funding from FTA and the Virginia Department of Rail and Public Transportation (DRPT) are required to develop policies, programs, and practices that ensure that federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI.

This document details how Farmville Area Bus incorporates nondiscrimination policies and practices in providing services to the public. Farmville Area Bus's Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

II. OVERVIEW OF SERVICES

The Town of Farmville, in conjunction with the Virginia Department of Rail and Public Transportation and Longwood University, provides a fixed-route transit service seven days a week. The Farmville Area Bus provides service utilizing two (2) in-town routes.

Regular fare for all lines, except PERT, is 25 cents; however, children under six and senior citizens (60 and over) ride free. Longwood University students ride for free by showing their student I.D. when boarding. Their fares are paid through student fees at the University.

The **Blue Line** remains within the Town limits and provides transportation to various businesses, senior citizen complexes and medical facilities. It operates Monday through Friday from 7:04 a.m. until 6:15 p.m., and on Saturday from 8:04 a.m. until 6:15 p.m.

The **Express Line** is a half hour shuttle from Longwood University to various business establishments throughout Town. It operates Monday through Thursday from 12:00 noon until 8:00 p.m., Friday and Saturday from 12:00 noon until 11:00 p.m., and on Sunday from 12:30 noon until 8:00 p.m.

The **Campus Direct** Line is a circular shuttle geared more for Longwood University students. It assists in transporting the off-campus housed students to and from campus.

ADA Paratransit Van Service - The Farmville Area Bus is proud to also offer ADA Paratransit Van Service. The Paratransit Service provides accessible public transportation throughout the Town and the Paratransit operators will provide door-to-door assistance for handicap individuals. For more information on this service, please call our office.

The Farmville Area Bus also operates the **Prince Edward County Transit (PERT)**. **PERT** serves the Meherrin/Green Bay and Prospect/Pamplin areas on alternating weekdays. Fares for this line is \$1.00 each way.

PERT services include:

The **Green Line** which operates in the Prospect/Pamplin Area on Monday and Thursday of each week.

The **Orange Line** which operates in the Meherrin/Green Bay area on Tuesday, Wednesday and Friday of each week.

The Farmville Area Bus is located at 502 Doswell Street.

III. POLICY STATEMENT AND AUTHORITIES

Title VI Policy Statement

Farmville Area Bus is committed to ensuring that no person shall, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, whether those programs and activities are federally funded or not.

The Town of Farmville Title VI Counselor is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities as required by Title 23 Code of Federal Regulations (CFR) Part 200, and Title 49 CFR Part 21.



Signature of Authorizing Official, Julie Adams

9/17/24

Date

Authorities

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (refer to 49 CFR Part 21). The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Additional authorities and citations include: Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d); Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.); Department of Justice regulation, 28 CFR part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs" (December 1, 1976, unless otherwise noted); U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964" (June 18, 1970, unless otherwise noted); Joint PTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, "Environmental Impact and Related Procedures" (August 28, 1987); Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, "Planning Assistance and Standards," (October 28, 1993, unless otherwise noted); U.S. DOT Order 5610.2, "U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low- Income Populations," (April 15, 1997); U.S. DOT Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons, (December 14, 2005), and Section 12 of FTA's Master Agreement, FTA MA 13 (October 1, 2006).

IV. NONDISCRIMINATION ASSURANCES TO DRPT

In accordance with 49 CFR Section 21.7(a), every application for financial assistance from the Federal Transit Administration (FTA) must be accompanied by an assurance that the applicant will carry out the program in compliance with DOT's Title VI regulations. This requirement is fulfilled when the Virginia Department of Rail and Public Transportation (DRPT) submits its annual certifications and assurances to FTA. DRPT shall collect Title VI assurances from sub-recipients prior to passing through FTA funds.

As part of the Certifications and Assurances submitted to DRPT with the Annual Grant Application and all Federal Transit Administration grants submitted to the DRPT, **Town of Farmville/Farmville Area Bus** submits a Nondiscrimination Assurance which addresses compliance with Title VI as well as nondiscrimination in hiring (EEO) and contracting (DBE), and nondiscrimination on the basis of disability (ADA).

In signing and submitting this assurance, Farmville Area Bus confirms to DRPT the agency's commitment to nondiscrimination and compliance with federal and state requirements.

V. PLAN APPROVAL DOCUMENT

I hereby acknowledge the receipt of the Farmville Area Bus Title VI Implementation Plan 2024-2027. I have reviewed and approve the Plan. I am committed to ensuring that no person is excluded from participation in, or denied the benefits of Farmville Area Bus's transportation services on the basis of race, color, or national origin, as protected by Title VI according to Federal Transit Administration (FTA) Circular 4702.1B Title VI requirements and guidelines for FTA sub-recipients.



Signature of Authorizing Official

Julie K. Adams, Title VI Equal Opportunity Counselor
Farmville Area Bus

DATE

9/17/24

VI. ORGANIZATION AND TITLE VI PROGRAM RESPONSIBILITIES

The **Town of Farmville's** Title VI Counselor is responsible for ensuring implementation of the agency's Title VI program: Title VI program elements are interrelated and responsibilities may overlap. The specific areas of responsibility have been delineated below for purposes of clarity.

Overall Organization for Title VI

The Title VI Counselor and staff are responsible for coordinating the overall administration of the Title VI program, plan, and assurances, including complaint handling, data collection and reporting, annual review and updates, and internal education.

Detailed Responsibilities of the Title VI Manager

The Title VI Counselor is charged with the responsibility for implementing, monitoring, and ensuring compliance with Title VI regulations. Title VI responsibilities are as follows:

1. Process the disposition of Title VI complaints received.
2. Collect statistical data (race, color or national origin) of participants in and beneficiaries of agency programs, (e.g., affected citizens, and impacted communities).
3. Conduct annual Title VI reviews of agency to determine the effectiveness of program activities at all levels.
4. Conduct Title VI reviews of construction contractors, consultant contractors, suppliers, and other recipients of federal-aid fund contracts administered through the agency.
5. Conduct training programs on Title VI and other related statutes for agency employees.
6. Prepare a yearly report of Title VI accomplishments and goals, as required.
7. Develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English.
8. Identify and eliminate discrimination.
9. Establish procedures for promptly resolving deficiency status and writing the remedial action necessary, all within a period not to exceed 90 days.

General Title VI responsibilities of the agency

The Title VI Counselor is responsible for substantiating that these elements of the plan are appropriately implemented and maintained, and for coordinating with those responsible for public outreach and involvement and service planning and delivery.

1. Data collection

To ensure that Title VI reporting requirements are met, Farmville Area Bus will maintain:

- A database or log of Title VI complaints received. The investigation of and response to each complaint is tracked within the database or log.
- A log of the public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

2. Annual Report and Updates

As a sub-recipient of FTA funds, Farmville Area Bus is required to submit a Quarterly Report Form to DRPT that documents any Title VI complaints received during the preceding quarter and for each year. Farmville Area Bus will also maintain and provide to DRPT on an annual basis, the log of public outreach and involvement activities undertaken to ensure that minority and low-income people had a meaningful access to these activities.

Further, we will submit to DRPT updates to any of the following items since the previous submission, or a statement to the effect that these items have not been changed since the previous submission, indicating date:

- A copy of any compliance review report for reviews conducted in the last three years, along with the purpose or reason for the review, the name of the organization that performed the review, a summary of findings and recommendations, and a report on the status or disposition of the findings and recommendations
- Limited English Proficiency (LEP) plan
- procedures for tracking and investigating Title VI complaints
- A list of Title VI investigations, complaints or lawsuits filed with the agency since the last submission
- A copy of the agency notice to the public that it complies with Title VI and instructions on how to file a discrimination complaint

3. Annual review of Title VI program

Each year, in preparing for the Annual Report and Updates, the Title VI Counselor will review the agency's Title VI program to assure implementation of the Title VI plan. In addition, they will review agency operational guidelines and publications, including those for contractors, to verify that Title VI language and provisions are incorporated, as appropriate.

4. Dissemination of information related to the Title VI program

Information on our Title VI program will be disseminated to agency employees, contractors, and beneficiaries, as well as to the public, as described in the "public outreach and involvement" section of this document, and in other languages when needed according to the LEP plan as well as federal and State laws/regulations.

5. Resolution of complaints

Any individual may exercise his or her right to file a complaint if that person believes that he, she or any other program beneficiaries have been subjected to unequal treatment or discrimination in the receipt of benefits/services or prohibited by non-discrimination requirements. Farmville Area Bus will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Title VI Complaint Procedures. All Title VI complaints and their resolution will be logged as described under Section 1. Data Collection and reported annually (in addition to immediately) to DRPT.

6. Written policies and procedures

Our Title VI policies and procedures are documented in this plan and its appendices and attachments. This plan will be updated periodically to incorporate changes and additional responsibilities that arise. During the course of the Annual Title VI Program Review (item 3 above), the Title VI Counselor will determine whether or not an update is needed.

7. Internal education

Our employees will receive training on Title VI policies and procedures upon hiring and upon promotion. This training will include requirements of Title VI, our obligations under Title VI (LEP requirements included), and required data that must be gathered and maintained. In addition, training will be provided when any Title VI-related policies or procedures change (agency-wide training), or when appropriate in resolving a complaint.

Title VI training is the responsibility of the Title VI Counselor.

8. Title VI clauses in contracts

In all federal procurements requiring a written contract or Purchase Order (PO), Farmville Area Bus's contract/PO will include appropriate non-discrimination clauses. The Title VI Counselor/Transit Manager is responsible for procurement contracts and PO's to ensure appropriate non-discrimination clauses are included.

VII. PROCEDURES FOR NOTIFYING THE PUBLIC OF TITLE VI RIGHTS AND HOW TO FILE A COMPLAINT

Requirement to Provide a Title VI Public Notice

Title 49 CFR Section 21.9(d) requires recipients to provide information to the public regarding the recipient's obligations under DOT's Title VI regulations and apprise members of the public of the protections against discrimination afforded to them by Title VI. At a minimum, Farmville Area Bus shall disseminate this information to the public by posting a Title VI notice on the agency's website and in public areas of the agency's office(s), including the reception desk, meeting rooms, in federally-funded vehicles, etc.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. section 2000d).

Farmville Area Bus is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. If you feel you are being denied participation in or being denied benefits of the transit services provided by **Farmville Area Bus**, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, our contact information is:

Julie K. Adams
Title VI Equal Opportunity Counselor
Farmville Area Bus
P.O. Drawer 368
502 Doswell Street
Farmville, VA 23901
434-392-7433
fab@farmvilleva.com

***See Appendix A – Title VI Notice to the Public**

Title VI Complaint Procedures

Requirement to Develop Title VI Complaint Procedures and Complaint Form.

In order to comply with the reporting requirements established in 49 CFR Section 21.9(b), all recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public. Recipients must also develop a Title VI complaint form. The form and procedure for filing a complaint shall be available on the recipient's website and at their facilities.

Sample of Narrative

Any individual may exercise his or her right to file a complaint with **Farmville Area Bus** if that person believes that he or she has been subjected to unequal treatment or discrimination in the receipt of benefits or services. We will report the complaint to DRPT within three business days (per DRPT requirements), and make a concerted effort to resolve complaints locally, using the agency's Nondiscrimination Complaint Procedures. All Title VI complaints and their resolution will be logged and reported annually (in addition to immediately) to DRPT.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th floor - TCR, 1200 New Jersey Avenue SE, Washington, DC 20590.

Farmville Area Bus includes the following language on all printed information materials, on the agency's website, in press releases, in public notices, in published documents, and on posters on the interior of each vehicle operated in passenger service:

Farmville Area Bus is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transportation services on the basis of race, color or national origin, as protected by Title VI in the Federal Transit Administration (FTA) Circular 4702.JB. For additional information on Farmville Area Bus's nondiscrimination policies and procedures, or to file a complaint, please visit the website at <http://farmvilleva.com/departments/farmville-area-bus> or contact Julie Adams, P.O. Drawer 368, 502 Doswell Street, Farmville, VA 23901, 434-392-7433.

Instructions for filing Title VI complaints are posted on the agency's website and in posters on the interior of each vehicle operated in passenger service and agency's facilities, and are also included within Farmville Area Bus's **schedule** brochure.

A copy of Farmville Area Bus's Title VI Complaint Form and all locations that it is posted are attached as APPENDIX B and APPENDIX B Part 2.

Procedures for Handling and Reporting Investigations/Complaints and Lawsuits

Should any Title VI investigations be initiated by FTA or DRPT, or any Title VI lawsuits are filed against **Farmville Area Bus**, the agency will follow these procedures:

Procedures

1. Any individual, group of individuals, or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin may file a written complaint with the Title VI Counselor. The complaint is to be filed in the following manner:
 - a. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
 - b. The complaint shall be in writing and signed by the complainant(s).
 - c. The complaint should include:
 - the complainant's name, address, and contact information
 - (i.e., telephone number, email address, etc.)
 - the date(s) of the alleged act of discrimination (if multiple days, include the date when the complainant(s) became aware of the alleged discrimination and the date on which the alleged discrimination was discontinued or the latest instance).
 - a description of the alleged act of discrimination
 - the location(s) of the alleged act of discrimination (include vehicle number if appropriate)
 - an explanation of why the complainant believes the act to have been discriminatory on the basis of race, color, and national origin
 - if known, the names and/or job titles of those individuals perceived as parties in the incident
 - contact information for any witnesses
 - indication of any related complaint activity (i.e., was the complaint also submitted to DRPT or FTA)
 - d. The complaint shall be submitted to the Farmville Area Bus's Title VI Counselor at **P.O. Drawer 368, 502 Doswell Street, Farmville, VA 29301** or fab@farmvilleva.com.
 - e. Complaints received by any other employee of **Farmville Area Bus** will be immediately forwarded to the Title VI Counselor.
 - f. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the Title VI Counselor. Under these circumstances, the complainant will be interviewed, and the Transit Coordinator will assist the complainant in converting the verbal allegations to writing.
2. Upon receipt of the complaint, the Title VI Counselor will immediately:
 - a. notify DRPT (no later than 3 business days from receipt)
 - b. ensure that the complaint is entered in the complaint database
3. Within 3 business days of receipt of the complaint, the Title VI Counselor will contact the complainant by telephone to set up an interview.

4. The complainant will be informed that they have a right to have a witness or representative present during the interview and can submit any documentation he/she perceives as relevant to proving his/her complaint.
5. If DRPT has assigned staff to assist with the investigation, the Title VI Counselor will offer an opportunity to participate in the interview.
6. The alleged discriminatory service or program official will be given the opportunity to respond to all aspects of the complainant's allegations.
7. The Title VI Counselor will determine, based on relevancy or duplication of evidence, which witnesses will be contacted and questioned.
8. The investigation may also include:
 - a. investigating contractor operating records, policies or procedures
 - b. reviewing routes, schedules, and fare policies
 - c. reviewing operating policies and procedures
 - d. reviewing scheduling and dispatch records
 - e. observing behavior of the individual whose actions were cited in the complaint
9. All steps taken and findings in the investigation will be documented in writing and included in the complaint file.
10. The Title VI Counselor will contact the complainant at the conclusion of the investigation, but prior to writing the final report, and give the complainant an opportunity to give a rebuttal statement at the end of the investigation process.
11. At the conclusion of the investigation and **within 60 days** of the interview with the complainant, the Title VI Counselor will prepare a report that includes a narrative description of the incident, identification of persons interviewed, findings, and recommendations for disposition. This report will be provided to DRPT, and, if appropriate, Town of Farmville's legal counsel.
12. The Title VI Counselor will send a letter to the complainant notifying them of the outcome of the investigation. If the complaint was substantiated, the letter will indicate the course of action that will be followed to correct the situation. If the complaint is determined to be unfounded, the letter will explain the reasoning, and refer the complainant to DRPT in the event the complainant wishes to appeal the determination. This letter will be copied to DRPT.
13. A complaint may be dismissed for the following reasons:
 - a. The complainant requests the withdrawal of the complaint.
 - b. An interview cannot be scheduled with the complainant after reasonable attempts.
 - c. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
14. DRPT will serve as the appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by the Farmville Area Bus. DRPT will analyze the facts of the case and will issue its conclusion to the appellant according to their procedures.

A person may also file a complaint directly with the Federal Transit Administration, Office of Civil Right, Attention: Title VI Program Coordinator, East Building, 5th Floor – TCR, 1200 New Jersey SE, Washington, DC 20590.

Transportation-Related Title VI Investigations, Complaints, and Lawsuits

Background

All recipients shall prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin:

- Active investigations conducted by FTA and entities other than FTA;
- Lawsuits; and
- Complaints naming the recipient.

This list shall include the date that the transportation-related Title VI investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response, or final findings related to the investigation, lawsuit, or complaint. This list shall be included in the Title VI Program submitted to DRPT every three years and information shall be provided to DRPT quarterly and annually.

No incidents were noted or reported concerning language barriers.

List of Investigations, Lawsuits and Complaints

	Date (Month, Day, Year)	Summary (include basis of complaint: race, color or national origin)	Status	Action(s) taken
Investigations				
1.				
Lawsuits				
1.				
Complaints				
1.				

Public Outreach and Involvement

PUBLIC PARTICIPATION PLAN

Introduction

The Public Participation Plan (PPP) is a guide for ongoing public participation endeavors. Its purpose is to ensure that Farmville Area Bus utilizes effective means of providing information and receiving public input on transportation decisions from low income, minority and limited English proficient (LEP) populations, as required by Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Under federal regulations, transit operators must take reasonable steps to ensure that Limited English Proficient (LEP) persons have meaningful access to their programs and activities. This means that public participation opportunities, normally provided in English, should be accessible to persons who have a limited ability to speak, read, write, or understand English.

In addition to language access measures, other major components of the PPP include: public participation design factors; a range of public participation methods to provide information, to invite participation and/or to seek input; examples to demonstrate how population-appropriate outreach methods can be and were identified and utilized; and performance measures and objectives to ensure accountability and a means for improving over time.

Farmville Area Bus established a public participation plan or process that will determine how, when, and how often specific public participation activities should take place, and which specific measures are most appropriate.

Farmville Area Bus will make these determinations based on a demographic analysis of the population(s) affected, the type of plan, program, and/or service under consideration, and the resources available. Efforts to involve minority and LEP populations in public participation activities may include both comprehensive measures, such as placing public notices at all transit stations, stops, and vehicles, as well as targeted measures to address linguistic, institutional, cultural, economic, historical, or other barriers that may prevent minority and LEP persons from effectively participating in our decision-making process.

PUBLIC OUTREACH AND INVOLVEMENT

As an agency receiving federal financial assistance, we have made or are making the following community outreach efforts:

Public Meetings. When new service is proposed, it is taken before the Farmville Town Council to discuss the feasibility of the service. All are welcome to attend the Council Meetings. Meetings are held once a month.

Customer Complaint Process. Citizens may call the Farmville Area Bus office at 434-392-7433 to lodge a complaint or comment. All complaints/comments are written down in a complaint book and given to the Transit Manager to research the complaint and respond back to the citizen.

Public Notice. We submit to the Virginia Department of Rail and Public Transportation annually with an application for funding. The application requests funding for both capital and operating assistance. Part of the annual application is a public notice in our local newspaper, ***The Farmville Herald***, which includes a two week public comment period. We also post public notices at major passenger/public facilities and in all vehicles.

Website. The Town of Farmville maintains a website with a direct link to Farmville Area Bus: www.farmvilleva.com

Customer Comment. Farmville Area Bus management is always open to input via phone (434)392-7433 or email - fab@farmvilleva.com.

VIII. LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

LANGUAGE ASSISTANCE PLAN FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

Introduction and Legal Basis

LEP is a term that defines any individual not proficient in the use of the English language. The establishment and operation of an LEP program meets objectives set forth in Title VI of the Civil Rights Act and Executive Order 13116, Improving Access to Services for Persons with Limited English Proficiency (LEP). This Executive Order requires federal agencies receiving financial assistance to address the needs of non-English speaking persons. The Executive Order also establishes compliance standards to ensure that the programs and activities that are provided by a transportation provider in English are accessible to LEP communities. This includes providing meaningful access to individuals who are limited in their use of English. The following LEP language implementation plan, developed by Farmville Area Bus is based on FTA guidelines.

As required, **Farmville Area Bus** developed a written LEP Plan (below). Using 2010 and American Community Survey (ACS) Census data, **Farmville Area Bus** has evaluated data to determine the extent of need for translation services of its vital documents and materials.

LEP persons can be a significant market for public transit, and reaching out to these individuals can help increase their utilization of transit. Therefore, it also makes good business sense to translate vital information into languages that the larger LEP populations in the community can understand.

Assessment of Needs and Resources

The need and resources for LEP language assistance were determined through a four-factor analysis as recommended by FTA guidance.

Factor 1: Assessment of the Number and Proportion of LEP Persons Likely to be Served or Encountered in the Eligible Service Population

The agency has reviewed census data on the number of individuals in its service area that have limited English Proficiency, as well as the languages they speak.

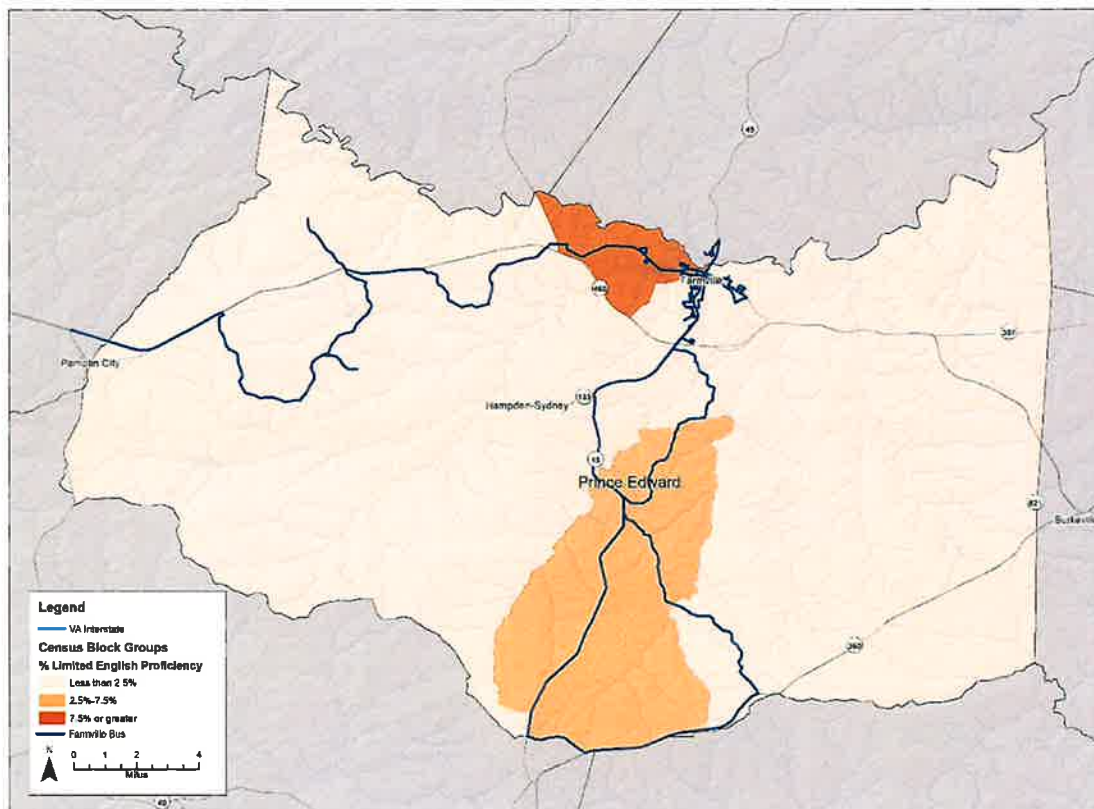
U.S. Census Data -American Community Survey (2011-2015)

Data from the U.S. Census Bureau's American Community Survey (ACS) were obtained through www.census.gov by **Farmville Area Bus's** service area. The agency's service

area includes a total of 1.6% persons with Limited English Proficiency (those persons who indicated that they spoke English "not well," and "not at all" in the 2011-2015 ACS Census).

Information from the 2011-2015 ACS also provides more detail on the specific languages that are spoken by those who report that they speak English less than very well. The data indicate the extent to which translations into other language are needed to meet the needs of LEP persons.

Farmville Area Bus Service Area			
Language	Number of	Percent of	Percent of
Spanish	301	1.36%	85.03%
Tagalog	34	0.15%	9.60%
French	19	0.09%	5.37%
Total LEP	354	1.60%	
Total Count	22,094		



Factor 2: Assessment of Frequency with Which LEP Individuals Come Into Contact with the Transit Services or System

Farmville Area Bus reviewed the relevant benefits, services, and information provided by the agency and determined the extent to which LEP persons have come into contact with these functions through *one or more of* the following channels:

- Contact with transit vehicle operators;
- Contact with transit station managers;
- Calls to Farmville Area Bus's customer service telephone line;
- Visits to the agency's headquarters;
- Access to the agency's website;
- Attendance at community meetings or public hearings hosted by the Town of Farmville;
- Contact with the agency's ADA complementary paratransit system (including applying for eligibility, making reservations, and communicating with drivers).

We will continue to identify emerging populations as updated Census and American Community Survey data become available for our service area. In addition, when LEP persons contact our agency, we attempt to identify their language and keep records on contacts to accurately assess the frequency of contact. To assist in language identification, we use a language identification flashcard based on that which was developed by the U.S. Census. (<http://www.lep.gov/ISpeakCards2004.pdf>)]

Factor 3: Assessment of the Nature and Importance of the Transit Services to the LEP Population

(Farmville Area Bus service area does not rise to the percentage needed to participate in these services. If the percentage should rise above the threshold, FAB will complete these steps.)

The following are the most critical services provided by **Farmville Area Bus** for all customers, including LEP persons_.

- Safety and security awareness instructions
- Emergency evacuation procedures
- Public transit services, including reduced fare application process
- ADA paratransit services (if your agency operates fixed-route), including eligibility certification process
- Other paratransit services
- Services targeted at low income persons

Factor 4: Assessment of the Resources Available to the Agency and Costs

(Based on the analysis of demographic data, the Farmville Area Bus service area does not rise to the percentage needed to complete this step. Should the percentage rise above the threshold, FAB will complete this step.)

Feasible and Appropriate Language Assistance Measures

Based on the available resources, the following language assistance measures are feasible and appropriate for our agency at this time:

- ***Longwood University has translators (professors) that are willing to translate should FAB encounter a LEP customer.***
- ***FAB has Language Identification flashcards at the front desk, as well.***

LEP Implementation Plan

Through the four-factor analysis, Farmville Area Bus has determined that the following types of language assistance are most needed and feasible:

Staff Access to Language Assistance Services

Agency staff that come into contact with LEP persons can access language services by using Voiance Language Services, LLC, as well as Language Identification Flashcards. All staff will be provided with a list of available language assistance services and additional information and referral resources (such as community organizations which can assist LEP persons). This list will be updated at least annually.

Responding to LEP Callers

Staff who answer calls from the public respond to LEP customers as follows: FAB can use Voiance Language Services. The Town of Farmville has a contract with them.

Responding to Written Communications from LEP Persons

The following procedures are followed when responding to written communications from LEP persons: Longwood University Translators, although FAB has never encountered this.

Responding to LEP Individuals in Person

The following procedures are followed when an LEP person visits our customer service and administrative office: Language Identification Flashcards and Longwood University Translators, although FAB has never encountered this.

The following procedures are followed by operators when an LEP person has a question on board a **Farmville Area Bus** vehicle: call to FAB office or Town of Farmville Police Dispatch office. FAB drivers have never come into contact with an LEP customer.

Staff Training

As noted previously, all **Farmville Area Bus** staff are provided with a list of available language assistance services and additional information and referral resources, updated annually.

All new hires receive training on assisting LEP persons as part of their sensitivity and customer service training. This includes:

- A summary of the transit agency's responsibilities under the DOT LEP Guidance;
- A summary of the agency's language assistance plan;
- A summary of the number and proportion of LEP persons in the agency's service area, the frequency of contact between the LEP population and the agency's programs and activities, and the importance of the programs and activities to the population;
- A description of the type of language assistance that the agency is currently providing and instructions on how agency staff can access these products and services; and
- A description of the agency's cultural sensitivity policies and practices.

Also, all staff who routinely come into contact with customers, as well as their supervisors and all management staff, receive annual refresher training on policies and procedures related to assisting LEP persons.

Providing Notice to LEP Persons

LEP persons are notified of the availability of language assistance through the following approaches:

Based on the demographic data, Farmville Area Bus staff, both office personnel as well as drivers, have never come into contact with a LEP person, therefore, this plan serves as the only notice provided to LEP persons.

Monitoring/updating the plan

This plan will be updated on a periodic basis (at least every three years), based on feedback, updated demographic data, and resource availability.

As part of ongoing outreach to community organizations, Farmville Area Bus will solicit feedback on the effectiveness of language assistance provided and unmet needs. In addition, we will conduct periodic review of updated Census data of the adequacy and quality of the language assistance provided, and determine changes to LEP needs.

In preparing the triennial update of this plan, **Farmville Area Bus** will conduct an internal assessment using the Language Assistance Monitoring Checklist provided in the FTA's "Implementing the Department of Transportation's Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons: A Handbook for Public Transportation Providers."

Based on the feedback received from community members and agency employees, **Farmville Area Bus** will make incremental changes to the type of written and oral language assistance provided as well as to their staff training and community outreach programs. The cost of proposed changes and the available resources will affect the enhancements that can be made, and therefore **Farmville Area Bus** will attempt to identify the most cost-effective approaches.

As the community grows and new LEP groups emerge, **Farmville Area Bus** will strive to address the needs for additional language assistance.

MINORITY REPRESENTATION ON PLANNING AND ADVISORY BODIES

Title 49 CFR Section 21.5(b)(1)(vii) states that a recipient may not, on the grounds of race, color, or national origin, "deny a person the opportunity to participate as a member of a planning, advisory, or similar body which is an integral part of the program."

Farmville Area Bus does not have any transit-related, non-elected planning boards, advisory councils or committees, or similar committees, the membership of which we select.

IX. REQUIREMENTS OF TRANSIT PROVIDERS

Requirements and Guidelines for Fixed Route Transit Providers

The requirements apply to all providers of fixed route public transportation (also referred to as transit providers) that receive Federal financial assistance, inclusive of States, local and regional entities, and public and private entities.

Transit providers that are sub-recipients will submit the information to their primary recipient (the entity from whom they directly receive transit funds) every three years on a schedule determined by the primary recipient. The requirements are scaled based on the size of the fixed route transit provider.

REQUIRED: Service Standards and Policies

- **Service Standards**
 - o Vehicle load, Vehicle headway, On-time performance, Service availability
- **Service Policies**
 - o Transit amenities, Vehicle assignment

Farmville Area Bus is required to plan and deliver transportation services in an equitable manner. This means the distribution of service levels and quality is to be equitable between minority and low income populations and the overall population. Farmville Area Bus has reviewed its services and policies to ensure that those services and benefits are provided in an equitable manner to all persons.

Service Standards

The agency has set standards and policies that address how services are distributed across the transit system service area to ensure that the distribution affords users equitable access to these services. As shown in the following maps, the agency's routes serve all areas in town equally. The agency's demand responsive services are available to all callers on a first-come first-served basis, without regard for race, color or national origin.

Figure 1-2: Percent Below Poverty by Block Group

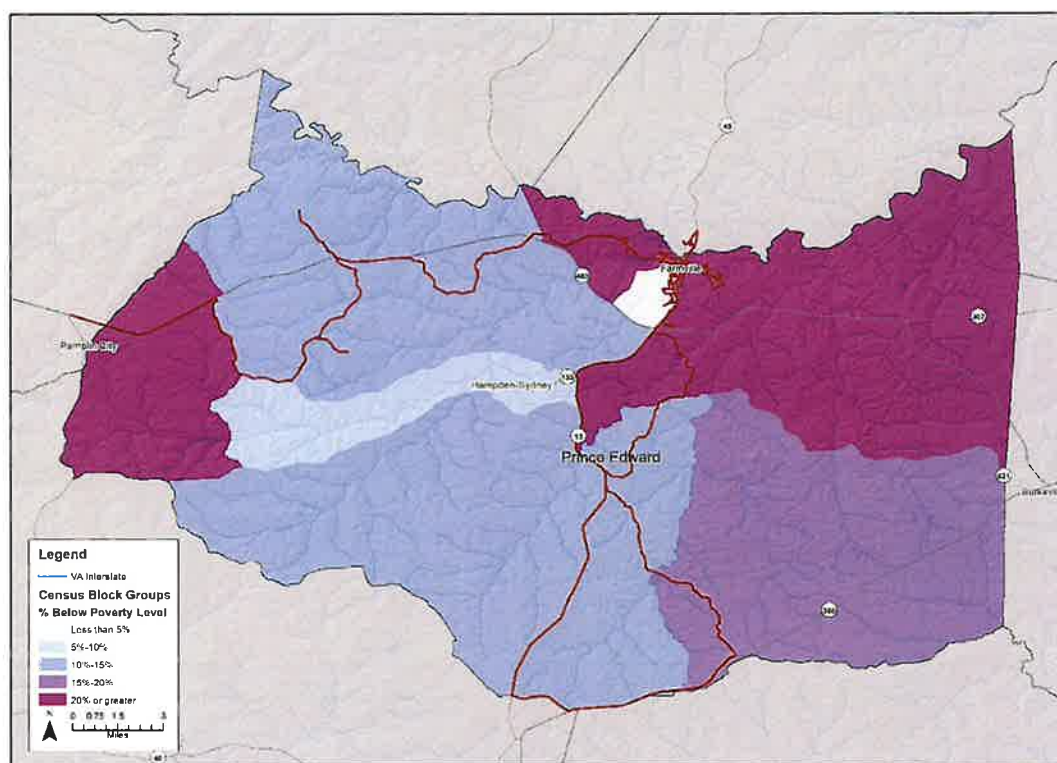
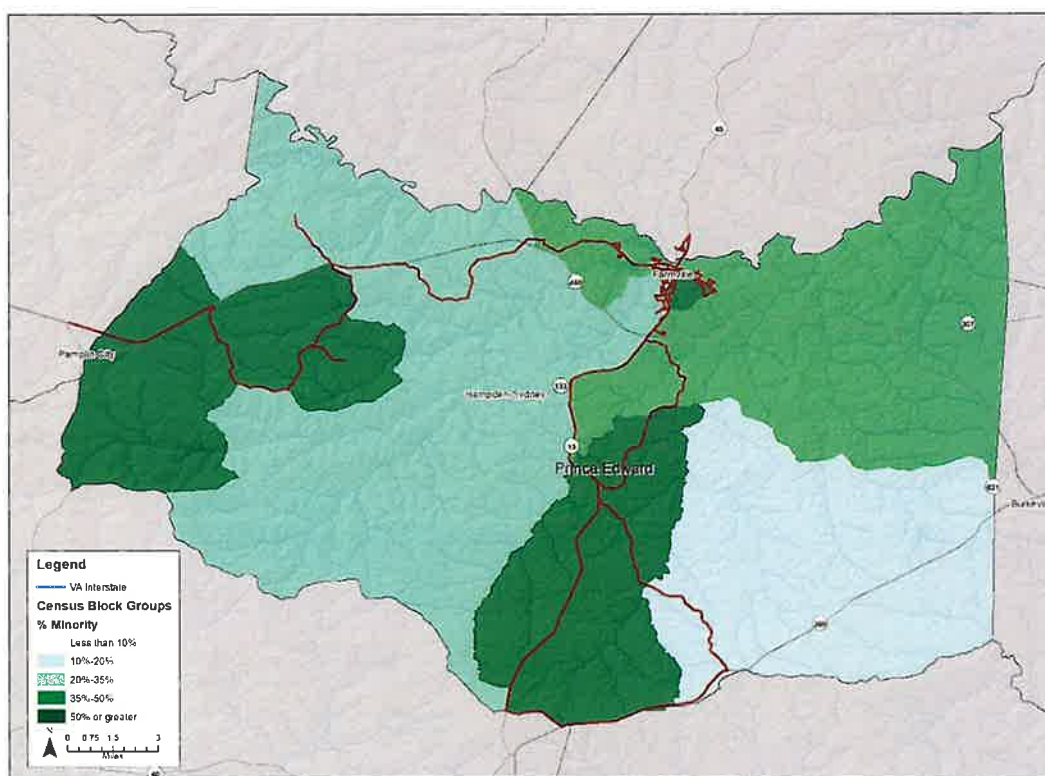


Figure 1-3: Percent Minority by Block Group



- **Vehicle load** -Vehicle load is expressed as the ratio of passengers to the total number of seats on a vehicle at its maximum load point. The standard for maximum vehicle load is 38:19, all of Farmville Area Bus's services meet this standard.
- **Vehicle headway** -Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given route. A shorter headway corresponds to more frequent service. FAB does not have vehicle headway due to the small area of service.
- **On-time performance** -On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be "on time." The standard for on-time performance is 5 to 10 minutes after scheduled stop time, all of Farmville Area Bus's services meet this standard.
- **Service availability** - Service availability is a general measure of the distribution of routes within a transit provider's service area or the span of service. The standard for service availability is equally available in all populated geographic areas of Farmville. All of Farmville Area Bus's services meet this standard.

Service and Operating Policies

The Farmville Area Bus's service and operating policies also ensure that operational practices do not result in discrimination on the basis of race, color, or national origin.

- **Distribution and Siting of Transit Amenities** -Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Farmville Area Bus has a policy to ensure the equitable distribution of transit amenities across the system. This policy applies to seating (i.e., benches, seats), bus shelters and canopies, (c) provision of information, Intelligent Transportation Systems (ITS), waste receptacles (including trash and recycling). Passenger amenities are sited based on population and lay of the land, as well as customer requests.
- **Vehicle assignment** - Vehicle assignment refers to the process by which transit vehicles are placed into service and on routes throughout the system. **Farmville Area Bus** assigns vehicles with the goal of providing equitable benefits to minority and low income populations. Vehicles are assigned with regard to service type (fixed-route, demand-response, or a hybrid type) and ridership demand patterns (routes with greater numbers of passengers need vehicles with larger capacities). For each type of assignment, newer vehicles are rotated to ensure that no single route or service always has the same vehicle. The Transit Manager reviews vehicle assignments on a monthly basis to ensure that vehicles are indeed being rotated and that no single route or service always has the old or new vehicles.
All FAB vehicles are essentially the same in comfort, age, etc. They all get rotated through all the routes equally.

Monitoring Title VI Complaints

As part of the complaint handling procedure, the Title VI Counselor investigates possible inequities in service delivery for the route(s) or service(s) about which the complaint was filed. Depending on the nature of the complaint, the review examines span of service (days and hours), frequency, routing directness, interconnectivity with other routes and/or fare policy. If inequities are discovered during this review, options for reducing the disparity are explored, and service or fare changes are planned if needed.

In addition to the investigation following an individual complaint, the Title VI Manager periodically reviews all complaints received to determine if there may be a pattern. At a minimum, this review is conducted as part of preparing the Annual Report and Update for submission to DRPT.

Fare and Service Changes

Farmville Area Bus follows its adopted written policy for the public comment process for major service reductions and fare increases. With each proposed service or fare change, **Farmville Area Bus** considers the relative impacts on, and benefits to, minority and low income populations, including LEP populations. All planning efforts for changes to existing services or fares, as well as new services, have a goal of providing equitable service.



FARMVILLE AREA BUS

Julie K. Adams
Transit Manager

Patricia F. Scott
Transit Coordinator

Title VI

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under and program or activity receiving Federal financial assistance.” (42 U.S.C. Section 2000d).

The Town of Farmville/Farmville Area Bus is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1B. **If you feel you are being denied participation in or being denied benefits of the transit services provided by the Town of Farmville, or otherwise being discriminated against because of your race, color, national origin, gender, age, or disability, you may contact:**

Mrs. Julie Adams

Title VI Counselor

Farmville Area Bus

PO Drawer 368, 502 Doswell Street

Farmville, Virginia 23901

(434) 392-7433

For more information, visit our website at:

<http://farmvilleva.com/departments/farmville-area-bus>

APPENDIX A (Part 2)

Locations of Posted Title VI:

- 1) All FAB Schedules
- 2) FAB Website
- 3) Drivers' Room at FAB Station
- 4) FAB Bulletin Board in Bus Bay
- 5) All FAB Buses

APPENDIX B - Title VI Complaint Form

Farmville Area Bus

Section I:			
Name:			
Address:			
Telephone (Home):		Telephone (Work):	
Electronic Mail Address:			
Accessible Format	Large Print	Audio Tape	
Requirements?	TDD	Other	
Section II:			
Are you filing this complaint on your own behalf?		Yes*	No
*If you answered "yes" to this question, go to Section III.			
If not, please supply the name and relationship of the person for whom you are complaining:			
Please explain why you have filed for a third party:			
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.		Yes	No
Section III:			
I believe the discrimination I experienced was based on (check all that apply):			
☐ Race ☐ Color ☐ National Origin			
Date of Alleged Discrimination (Month, Day, Year):			
Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.			
Section IV			
Have you previously filed a Title VI complaint with this agency?		Yes	No
Section V			
Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?			

☐ Yes ☐ No	
If yes, check all that apply:	
☐ Federal Agency: _____	
☐ Federal Court _____	☐ State Agency
☐ State Court _____	☐ Local Agency
Please provide information about a contact person at the agency/court where the complaint was filed.	
Name:	
Title:	
Agency:	
Address:	
Telephone:	
Section VI	
Name of agency complaint is against:	
Contact person:	
Title:	
Telephone number:	

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

Signature	Date

Please submit this form in person at the address below, or mail this form to:

Farmville Area Bus, Mrs. Julie Adams, PO Drawer 368, 502 Doswell Street, Farmville, VA, 23901, 434-392-7443, fab@farmvilleva.com.



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 7.d. – Letter from Brown, Edwards & Company, L.L.P., Certified Public Accountants

BACKGROUND: Verbal report by the Finance Director.

RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS:

1. 2024 PCL - Town of Farmville - Final

September 6, 2024

To the Honorable Members of Town Council
Town of Farmville, Virginia
Farmville, Virginia

We are engaged to audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Town of Farmville, Virginia (the “Town”) for the year ended June 30, 2024. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you at your request to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards, and the Uniform Guidance

As stated in our engagement letter dated March 22, 2022, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

In planning and performing our audit, we will consider the Town’s internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with the Uniform Guidance.

As part of obtaining reasonable assurance about whether the Town’s financial statements are free of material misstatement, we will perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit. Also in accordance with the Uniform Guidance, we will examine, on a test basis, evidence about the Town’s compliance with the types of compliance requirements described in the U.S. Office of Management and Budget (OMB) Compliance Supplement applicable to each of its major federal programs for the purpose of expressing an opinion on the Town’s compliance with those requirements. While our audit will provide a reasonable basis for our opinion, it will not provide a legal determination on the Town’s compliance with those requirements.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards, and the Uniform Guidance (Continued)

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to the RSI referenced in our engagement letter, which supplement the basic financial statements, is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

We have been engaged to report on the supplemental information referenced in our engagement letter, which accompany the financial statements but are not RSI. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on the introductory section, which accompanies the financial statements but is not RSI. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

Planned Scope and Timing of the Audit, Significant Risks, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

While planning has not concluded and modifications may be made, we have identified the following significant risk of material misstatement as part of our audit planning:

- Management override and lack of separation of duties: management and/or those charged with governance are in a unique position to perpetrate fraud because of management's ability to manipulate accounting records and prepare fraudulent financial statements by overriding internal controls, even where such internal controls might otherwise appear to be operating effectively. Although the level of risk of management override of internal controls will vary from entity to entity, the risk is, nevertheless, present in all entities.

Planned Scope and Timing of the Audit, Significant Risks, and Other (Continued)

We began our audit in June 2024 and plan to issue our report in November 2024. John Aldridge is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

The Concept of Materiality in Planning and Executing the Audit

In planning the audit, the materiality limit is viewed as the maximum aggregate amount of misstatements, which if detected and not corrected, would not cause us to modify our opinion on the financial statements. The materiality limit is an allowance not only for misstatements that will be detected and not corrected but also for misstatements that may not be detected by the audit. Our assessment of materiality throughout the audit will be based on quantitative and qualitative considerations. Because of the interaction of quantitative and qualitative considerations, misstatements of a relatively small amount could have a material effect on the current financial statements as well as financial statements of future periods. At the end of the audit, we will inform you of all individual unrecorded misstatements aggregated by us unless clearly inconsequential in connection with your evaluation of our audit test results.

Inquiries Concerning Fraud

As part of the planning process, we assess the risk of misstatements in the financial statements, whether from fraud or error. Your consideration of the following questions is valuable in planning our engagement.

- Are you aware of any fraud, suspected fraud, or allegations of fraud?
- Are there departments or processes where you think fraud could easily occur and remain undetected?
- Are you comfortable with the integrity of management?
- Are you aware of any illegal acts or noncompliance with laws or grant agreements?
- Are you confident that personnel possess appropriate skill sets, and are committed to providing high quality financial information?
- Are there particular areas in the financial statements where you have concern that misstatements could occur?
- Are there any circumstances that you believe should be of interest to your auditors, but of which management is unaware or might have reason to not fully disclose to us?
- Are you satisfied that those charged with governance are actively involved in the governmental entity's assessment of the risks of fraud and the programs and controls established to mitigate those risks?
- Are there any significant unusual transactions that the entity entered into during the year?
- Do you have any concerns about the entity's related-party relationships and transactions?

Inquiries Concerning Fraud (Continued)

If your consideration of these questions yields no concerns, we do not require that you respond to us. However, if you have any concerns or would like to simply discuss these (or any other) issues relating to the audit, please contact us at:

John Aldridge, Partner
(540) 345-0936
jaldridge@becpas.com

Chris Murray, Director
(434) 948-9000
cmurray@becpas.com

Independence

Our independence policies and procedures are designed to provide reasonable assurance that our firm and its personnel comply with applicable professional independence standards. Our policies address financial interests, business and family relationships, and non-audit services that may be thought to bear on independence. We are not aware of any circumstances that have impaired our independence with respect to our engagement as described in our engagement letter.

This information is intended solely for the use of those charged with governance and management and is not intended to be, and should not be, used by anyone other than these specified parties.

Brown, Edwards & Company, L.L.P.

CERTIFIED PUBLIC ACCOUNTANTS

Roanoke, Virginia



Town of Farmville

Agenda Item Summary

MEETING DATE: October 2, 2024

ITEM NUMBER: 7.e. – Discussion: Bathroom build at the splashpad

BACKGROUND: Verbal report by Finance Director Julie Moore.

A discussion is needed about engaging the engineering firm to draw up the plans for the bathroom and the potential cost of the build.

RECOMMENDATION:

FISCAL IMPACT:

ATTACHMENTS: None