



Town of Farmville

Town Council

October 9, 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. **Invocation**
4. **Pledge of Allegiance**
5. **Adoption of Agenda**
6. **Declaration of Personal Interest**
7. **Public Hearings**
 - a. Public Hearing - Ordinance No. 230 - Amending Chapter 6 - Building by adding Article VI – Land Bank Entity
 - b. Public Hearing - 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
 - c. Public Hearing - Resolution No. 2024-10-01 - To transfer funds within the General Fund and Street Maintenance Fund for FY24
 - d. Public Hearing - Resolution No. 2024-10-02 - To carry forward encumbered amounts from FY24 budget to FY25 budget
 - e. Public Hearing - Resolution No. 2024-10-03 - To amend the FY25 budget to carry forward unencumbered funds from FY24 and to include additional ARPA revenue
8. **Public Comment Period**
 - a. Public Comment Sign-up Sheet
9. **Consent Agenda**
 - a. Draft Minutes of the September 4, 2024, Work Session and September 11, 2024, Regular Council Meeting
10. **Finance Report**
 - a. September 2024 Finance Report
11. **Old Business**
 - a. Request to adopt Ordinance No. 230 - Amending Chapter 6 - Building by adding Article VI - Land Bank Entity
 - b. Discussion: Zion Subdivision Preliminary Plat/Site Plan Review (Layne Street)
12. **New Business**

- a. Request to adopt 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
- b. Request to approve Resolution No. 2024-10-01 - To transfer funds within the General Fund and Street Maintenance Fund for FY24
- c. Request to approve Resolution No. 2024-10-02 - To carry forward encumbered amounts from FY24 budget to FY25 budget
- d. Request to approve Resolution No. 2024-10-03 - To amend the FY25 budget to carry forward unencumbered funds from FY24 and to include additional ARPA revenue
- e. Request to adopt updated Farmville Area Bus Title VI Plan
- f. Request to adopt Resolution No. 2024-10-04 - Authorizing the allocation of additional set-aside funds to cover the budget deficit for the splashpad bathroom construction project

13. Town Manager's Report

14. Comments by Mayor and Town Council

Brian R. Vincent
Mayor

Mary H. McKay
Clerk of Council



COUNCIL
A. D. "Chuckie" Reid
Adam B. Yoelin
Daniel E. Dwyer
Donald L. Hunter
John Hardy
Sallie O. Amos
Tommy Pairt

Town of Farmville
Town Council
PUBLIC HEARING NOTICE

The Farmville Town Council will hold public hearings on Wednesday, October 9, 2024, at 6:00 PM in the Council Chamber, located on the second floor of the Town Hall, 116 North Main Street, Farmville, Virginia, to receive public comment on the following items:

- **Ordinance No. 230 - Amending Chapter 6 - Building by adding Article VI – Land Bank Entity**
- **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**
- **Resolution No. 2024-10-01 - To transfer funds within the General Fund and Street Maintenance Fund for FY24**
- **Resolution No. 2024-10-02 - To carry forward encumbered amounts from FY24 budget to FY25 budget**
- **Resolution No. 2024-10-03 - To amend the FY25 budget to carry forward unencumbered funds from FY24 and to include additional ARPA revenue**

The full texts of the proposed amendments and resolutions are available online at www.farmvilleva.com or by contacting the Clerk of Council at (434) 392-9465.

The Farmville Town Council will consider the requests following the public hearings. Any person(s) wishing to comment on the above matters should plan to attend this meeting or submit written comments. Please email Mary McKay at mmckay@farmvilleva.com or mail written comments to PO Drawer 368, Farmville, VA 23901 to arrive by 4:00 PM on Wednesday, October 9, 2024.

Questions and comments related to the public hearings may be directed to the Town Manager's Office, 116 North Main Street, PO Drawer 368, Farmville, Virginia, 23901 or by calling (434) 392-5686, between the hours of 8:00 AM and 5:00 PM, Monday through Friday.

It is the intent of the Town to comply with the Americans with Disabilities Act. Should you need special accommodation, please contact C. Scott Davis, LP.D., Town Manager, at (434)392-5686, prior to the meeting.



PUBLIC HEARING COMMENTS
(Ordinance No. 230 - Land Bank Entity)
October 9, 2024
Guests Sign Up Sheet

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



PUBLIC HEARING COMMENTS
(Ordinance No. 237 – Erosion & Sediment Control Language)
October 9, 2024
Guests Sign Up Sheet

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



PUBLIC HEARING COMMENTS
(Resolution No. 2024-10-01 - To Transfer funds within the
General Fund/Street Maintenance Fund for FY24)
October 9, 2024
Guests Sign Up Sheet

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



PUBLIC HEARING COMMENTS
(Resolution No. 2024-10-02 - To carry forward encumbered
amounts from FY24 budget to FY25 budget)
October 9, 2024
Guests Sign Up Sheet

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



PUBLIC HEARING COMMENTS
(Resolution No. 2024-10-03 - To amend FY25 budget to carry
forward unencumbered funds from FY24 and to include
additional ARPA revenue)
October 9, 2024
Guests Sign Up Sheet

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



PUBLIC COMMENT PERIOD
(held after PUBLIC HEARINGS)
October 9, 2024
Guests Sign Up Sheet
(Please limit comments to three minutes)

<i>Name</i>	<i>Address</i>	<i>Topic</i>	<i>Via</i>



Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 9.a. – Draft Minutes of the September 4, 2024, Work Session and September 11, 2024, Regular Council Meeting

BACKGROUND:

RECOMMENDATION: Accept the Consent Agenda as presented.

FISCAL IMPACT:

ATTACHMENTS:

1. 2024-09-04 Work Session-DRAFT
2. 2024-09-11 Reg Council Mtg-DRAFT

REGULAR WORK SESSION OF THE FARMVILLE TOWN COUNCIL
HELD ON SEPTEMBER 4, 2024

At the regular work session of the Farmville Town Council held on Wednesday, September 4, 2024, at 6:00 PM, in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia, there were present Vice-Mayor A.D. “Chuckie” Reid, presiding, and Council members Sallie Amos, Daniel Dwyer, Tommy Pairt, Adam Yoelin, Donald Hunter, and John Hardy.

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

Vice-Mayor Reid called the meeting to order and welcomed all guests.

The Clerk called the roll. Mayor Brian Vincent was absent for the meeting.

ADOPTION OF AGENDA

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

DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest made.

FINANCE REPORT

Finance Director Julie Moore provided a report for July 2024, the first month in the new budget year FY24-2025.

- The revenue to budget is below the one month amount due mainly because of taxes and fees received annually such as real estate taxes and business licenses. The General Fund revenue will lag behind the amount budgeted until this revenue starts being collected. Also, the Street Maintenance Fund receives quarterly payments, and the first payment in the budget year has not yet been received.
- The General Fund and Transportation Fund revenue is slightly below compared to prior year. The General Fund is below due to communication and sales taxes that are received months behind. The Transportation Fund last year received reimbursements for some buses and this year there have been no reimbursements received thus far.
- Expenses to budget are below the one-month budgeted amount which is considered positive.

- Expenses versus prior year – The total expenses are slightly above prior year due to some capital purchases made in July 2024 from the Sewer Fund, such as the service truck with the crane.

Council members also were provided with proposed budget adjustments for review. Any time there is a change in the budget greater than 1% of the total budget, per state code a public hearing is required. A summary of the three documents was provided:

- (1) Transfer of funds between departments
- (2) Items included in FY24 budget and were encumbered at year end
- (3) Items included in FY24 budget not encumbered but were not fully completed in FY24

The money to be dispersed for the ABM expenses needs to be rolled over to the new budget year as only one payment was made in FY24.

For the Water Fund and Sewer Fund, ARPA-related items for projects to be committed in 2024 need to be rolled forward until completion.

Mr. Pairet asked if it is the town's goal to be in a position where transfer of funds between departments is no longer needed. Ms. Moore advised that would be the goal, but there probably will always be a need to move funds. She mentioned having budgeted items and grant funds not being received, would cause the total line to be over budget, and result in an audit finding.

DISCUSSION ON ORDINANCE NO. 230 – FARMVILLE LAND BANK

Town Manager Davis provided background information concerning the proposed ordinance. The land bank entity and receivership for condemnable properties topic was discussed at the May 1, 2024, Work Session and described as a tool for the town to use when dealing with condemnable properties instead of just tearing down the structure. After the public hearing was held on June 12, 2024, the proposed ordinance was revised. In addition to the authority for creation, governance, and purpose, more language was added to explain the process of the land bank being a receiver, which was taken straight from the Code of Virginia. How the receivership works and the due process for the property owner was reviewed in detail.

Council members asked questions with different scenarios when receivership may come into play and discussion was held. Town Manager Davis fielded questions received.

- When a property is sold and the land bank entity receives payment for more than what was invested in the property, the remainder would go back to the property owner.

- The property owner is notified that a structure does not meet the Uniform Statewide Building Code and given the opportunity to repair the property. If the property is not repaired within the specified timeframe, then the land bank decides if the property is worth repair, and the town would go through the process of receivership. The owner would have another opportunity before the court to say whether the property would be repaired. If the owner states the repairs will be made, a reasonable timeframe must be agreed upon as set by the court. If the owner cannot provide the repairs or does not argue against the receivership, then the property would go to the land bank. The land bank has no authority until the town is willing to condemn the property.
- With a deceased owner, there would be an estate and a deed of trust to a property.

Mr. Elder provided information on notices being given to unknown property owners through an order of publication in the newspaper.

Mr. Hunter advised that the town is not going to just tear down someone's house because they are deceased, find out who the next of kin could be, or who has estate rights.

Mr. Elder also reported on the entitlement of lienholders to receive notice if there is a judgment against a property. Lienholders would be made whole when a property is sold. The land bank would be the first lienholder when a property is sold because the land bank would operate through the locality.

- An amendment could be made designating more than one land bank entity if criteria has been met and the locality is comfortable doing so.
- There would be no purpose for a land bank to be used for other than repairable properties as the value is in keeping the structure on the land.
- It was thought that the land bank would not start the offer of sale lower than what was invested in the property. It was asked if the owner would be responsible for the remainder if a property sold for less than what the land bank had invested.

Mr. Elder advised that a land bank takes some of the financial burden off of the town and mentioned that the town's standard method to fix the problem is to demolish the structure. The town foots the bill for that work. A land bank also would provide an opportunity to preserve the structure. It was asked what problem a land bank would solve that the current ordinance cannot address.

There was a consensus from Council members to move forward with a public hearing and hold a vote on the topic.

**DISCUSSION ON ORDINANCE NO. 236 – TO REZONE APPROXIMATELY 0.278 ACRES
GEORGIA STREET AND MONROE STREET INTERSECTION**

Community Development Director Ashley Atkins-Austin reported on the request to rezone one parcel containing approximately 0.278 acres from B-3 Highway Commercial to R-2 Medium Density Residential and identified as Tax Map Number 110AV(02)0A-049A. The rezoning would require a zoning map change. The Planning Commission recommended approval to Town Council with a vote of 6-0 at their Wednesday, August 21, 2024, meeting and Ms. Atkins-Austin reported that staff also recommends approval.

A public hearing is scheduled for September 11, 2024.

TOWN MANAGER'S REPORT

The Town Manager reported that contractors are working to remove and install a new underground tank at the splashpad site. Work is being completed on the handicap accessibility on Main Street near Walgreens. An update will be provided at the next meeting.

It was asked if the splashpad area would be seeded this fall for new grass in the spring. If the grass seeding doesn't do as well, placing sod in the area will be considered. Thoughts about placing a fence around the site, similar to the playground area, were requested. Town Manager Davis noted that it is more if the geese return to the area, than people walking on the grass, and mentioned the aesthetics of a fence being installed. An update was provided on the pouring of concrete for sidewalks and receiving drawings for the bathroom to be built in the spring. Addressing visitors driving too close to the splashpad and the access for cutting grass on the property was mentioned. There is a plan to look at planting trees in the area that would offer some shade. Information was reported about a grant being applied for by Hampden-Sydney College to provide for trees being planted at the park.

COMMENTS BY MAYOR AND TOWN COUNCIL

Council member Hardy read the obituary of former Town Council member Sally Thompson, who recently passed away.

Council member Dwyer reported being contacted by a local resident with a suggestion made to plant a tree or some sort of holly at the Downtown Plaza area in dedication to Mrs. Thompson. Mr. Dwyer also served on a committee with Mrs. Thompson who, along with former

Mayor David Whitus, was responsible for starting the town's annual Christmas tree kickoff to the holiday season.

There being no other business and on a motion by Mr. Hunter, seconded by Mr. Pairt, with all in favor stating "aye", the meeting adjourned at 6:54 PM.

APPROVED:

ATTEST:

A.D. "Chuckie" Reid, Vice-Mayor

Mary H. McKay, Clerk of Council

DRAFT

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON SEPTEMBER 11, 2024

At the regular meeting of the Farmville Town Council held on Wednesday, September 11, 2024, at 6:00 PM, in the Council Chamber of the Town Hall, located at 116 North Main Street, Farmville, Virginia, there were present Mayor Brian Vincent, presiding, and Council members Sallie Amos, A.D. “Chuckie Reid, Daniel Dwyer, Tommy Pairet, and John Hardy.

Staff present were Town Manager Scott Davis, Town Attorney Gary Elder, Police Chief Andy Ellington, Public Works Director Robin Atkins, Finance Director Julie Moore, Community Development Director and IT Support Ashley Atkins-Austin, Deputy Clerk Jacqueline Vaughan, and Clerk of Council Mary McKay.

Mayor Vincent called the meeting to order, and all guests were welcomed.

The Clerk called the roll, noting Council members Adam Yoelin and Donald Hunter were absent.

The Lord’s Prayer was recited for anyone wishing to join in prayer. Vice-Mayor Reid led the Pledge of Allegiance.

ADOPTION OF AGENDA

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

DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest made.

PUBLIC HEARING – ORDINANCE NO. 236 – TO AMEND THE OFFICIAL ZONING MAP TO REZONE APPROX. 0.278 ACRES FROM B-3 TO R-2 (GEORGIA STREET AND MONROE STREET INTERSECTION)

With no one signed up to provide comments, the public hearing on Ordinance No. 236 was closed.

PUBLIC COMMENT PERIOD

With no one signed up to speak, the public comment period was closed.

CONSENT AGENDA

Mr. Reid made a motion to adopt the Consent Agenda as presented, seconded by Mr. Dwyer, and with all in favor stating “aye”, the motion passed. The Consent Agenda included the draft minutes of the August 7, 2024, Work Session and the August 14, 2024, Regular Council Meeting.

FINANCE REPORT

Mr. Hardy made a motion to adopt the August 2024 Finance Report as presented, seconded by Mr. Pairet, and with all in favor stating “aye”, the motion passed.

BACKGROUND: Finance Director Julie Moore reported on the August 2024 Finance Report and reviewed the amounts of earned income:

- ABM Building Solutions - \$17,340
- Virginia Investment Pool (VIP) - \$16,835
- Benchmark Community Bank - \$16,625
- Local Government Investment Pool (LGIP) - \$36,595
- Total for the month of August excluding ABM income - \$70,055
- Total for fiscal year to date - \$142,919

Ms. Moore pointed out from the Finance Report that \$1.5 million has been moved and is restricted, with half being placed in VIP and the other half in LGIP. The exact figure was stated as \$1,583,909, with \$83,909 interest already earned on the million that had been placed in the VIP. Beginning September 2024, \$85,000 will be transferred each month for the future water and sewer line replacement project.

REQUEST TO ADOPT ORDINANCE NO. 236 – TO AMEND THE OFFICIAL ZONING MAP TO PROVIDE FOR THE REZONING OF APPROXIMATELY 0.278 ACRES FROM B-3 TO R-2

Mr. Pairet made a motion to adopt Ordinance No. 236, seconded by Mr. Dwyer, and with a recorded vote of Council members Reid, Dwyer, Pairet, Hardy and Amos voting “yes”, the motion passed.

BACKGROUND:

Community Development Director Ashley Atkins-Austin reported at the September 4, 2024, Work Session on the request to rezone one parcel containing approximately 0.278 acres from B-3 Highway Commercial to R-2 Medium Density Residential and identified as Tax Map Number 110AV(02)0A-049A. The site is located on the southeast corner of the Georgia Street and Monroe Street intersection. The rezoning would require a zoning map change. The Planning Commission recommended approval to the Town Council with a vote of 6-0 at their Wednesday, August 21, 2024, meeting. Staff also recommended approval.

A public hearing was held September 11, 2024. Adjoining property owners were notified by mail of the scheduled public hearing.

ORDINANCE NO. 236

Amending the Official Zoning Map of the Town of Farmville to provide for the rezoning of parcel 110AV(02)0A-049A at the intersection of Georgia and Monroe Streets.

WHEREAS, the property owner of parcel 110AV(02)0A-049A has requested their parcel be rezoned from B-3 to R-2; and

WHEREAS, the amended Official Zoning Map (Exhibit 1) reflects the rezoning and serves as the Official Zoning Map of the Town; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council, this Zoning Map Amendment (Exhibit 1) repeals and replaces the current Zoning Map in its entirety; and

BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage.

Approved: _____
Mayor

Attest: _____
Clerk of Council

I certify that the above ordinance was:

Adopted on its first reading on _____.

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

The Honorable A.D. “Chuckie” Reid: _____.

The Honorable Sallie O. Amos _____.

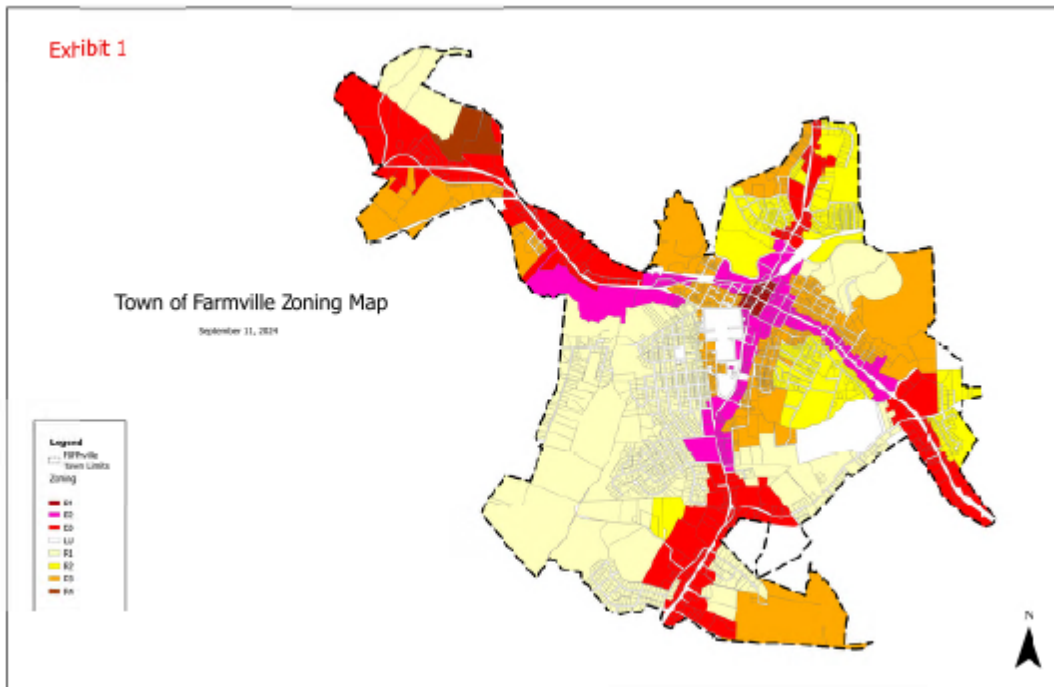
The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairet _____.

The Honorable Donald L. Hunter _____.

The Honorable Adam Yoelin _____.

The Honorable John Hardy _____.



TOWN MANAGER'S REPORT

Town Manager Davis reported that the topic of speed monitoring on First Avenue was discussed at the August 14, 2024, meeting. Speed monitoring was set up in the 500 block from August 15-22, 2024, and the 800 block from August 18-24, 2024. Council members were provided with a review of the data obtained and advised a copy would be sent to each member. An additional round of speed monitoring is planned in the upcoming week with more information to be provided.

Staff from the engineering firm of TRC Companies, Inc. have picked up the plans to begin work on the town's lead survey.

It was reported that Hurt & Proffitt staff are continuing to access manholes for the town's asset management plan.

The design drawings from Hill Studio for the splashpad bathroom should be completed in about two months with a cost estimate to be brought forward to the Council.

The sidewalk at Reed and Main Streets has been completed.

Leaf pickup will begin October 30th and continue through December 2024, throughout town as scheduled.

Fall cleanup is scheduled for Monday, October 21, 2024. Anyone who has household items to discard and wants the town to pick up, were reminded of the date.

The Heart of Virginia Festival is scheduled for Saturday, September 14, 2024. With an increase in vendors and crafts, the area has been extended to near Madison Street, making the festival larger than in most previous years.

Farmville Downtown Partnership is working with Piedmont Senior Resources to hold the Duck Derby event on Friday, September 13, 2024. Music and a beer garden will be set up in the parking lot behind Green Front Furniture. All were asked to go out and offer them support.

The Rock the Block event will be held downtown on October 5, 2024.

As an important piece for town employees to grow, several staff will be engaged in their career development over the next several months:

- Public Works Department - utility locator course
- Police Department - Captain Bill Hogan will attend a four-month program at Liberty University
- Community Development - Director Ashley Atkins-Austin will attend a Lead class at Virginia Commonwealth University
- Human Resources – training conference
- Clerk and Deputy Clerk – training conference

Some residential parking enforcement is being planned. Next month information will be sent out to ensure that residents are getting their decals. A reminder also was sent out in July.

One of the Council members noticed an issue with parking in the upper lot at the Farmville Train Station. Staff from the Public Works Department will be posting signs this week at each end of the lot which states, *No Parking 12AM-6AM*. Ticketing will begin after the signs have been placed to see if this resolves the issue. The Town Manager also reported if the issue is not resolved, he may be coming back to Council to discuss whether to make the upper lot, not the lot closest to the train station, a type of metered parking.

COMMENTS BY MAYOR AND TOWN COUNCIL

Mr. Pairet asked Town Manager Davis if there was a timeline yet from Hurt & Proffitt as to when they might provide some figures on the water and sewer lines. The same date of December 2024 was reported.

Mayor Vincent provided a thank you to Vice-Mayor Reid for presiding over the September 4, 2024, Work Session in his absence. He was attending a collaboration event in Oklahoma City for the industry he works in and serves as a board member for that association. While there, he was voted by that membership to serve as liaison to the legislative body in Washington DC for outdoor recreation. While away at the out-of-town event, he virtually attended a Virginia Municipal League Legislative Committee meeting.

The mayor reported his attendance of the Wal-Mart Grand Reopening the previous month along with Police Chief Andy Ellington and Town Manager Scott Davis. There was mention of the beautiful mural on display and appreciation was expressed for the outreach from the store manager and for his commitment to involve the community.

A WFLO lunch/information session also was attended with other members from the community around a potential project WFLO is trying to lift off the ground. An announcement of the community-based project is anticipated in the near future, and he looks forward to helping in any way he can.

The mayor attended a political science class at Longwood University earlier in the day and spoke to students about public service, what it is like to serve, and encouraged their participation in democracy.

Recognition was made of the 23rd anniversary of September 11, 2001, by reflecting on the days that followed and how this country united outside of political faction. Everyone worked together, saw the best in each other, and endeavored to support one another. Mayor Vincent concluded by stating this reflection is a great way to honor those who were lost on that day.

There being no other business and on a motion by Mr. Dwyer, seconded by Mr. Reid, with all in favor stating “aye”, the meeting adjourned at 6:18 PM.

APPROVED:

ATTEST:

Brian R. Vincent, Mayor

Mary H. McKay, Clerk of Council



Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 10.a. – September 2024 Finance Report

BACKGROUND: Verbal report by the Finance Director.

RECOMMENDATION: Accept the Finance Report as presented.

FISCAL IMPACT:

ATTACHMENTS:

1. Finance Report for September 2024
2. Variable Revenue-Sept24-Charts
3. Rescue Squad Yearly Cost thru Sept24
4. Rescue Squad Monthly Cost-Sept24

TOWN OF FARMVILLE
FINANCE REPORT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE MONTH OF SEPTEMBER 2024

FUND NUMBER	FUND TITLE	BALANCE 09/01/2024	NET CHANGE	BALANCE 09/30/2024
<u>UNRESTRICTED FUNDS</u>				
10	GENERAL FUND	\$ 139,208	\$ 782,334	\$ 921,542
15	ST MAINT FUND	150,454	478,420	628,874
40	WATER FUND	2,950,850	(391,139)	2,559,712
42	SEWER FUND	2,426,504	(170,070)	2,256,434
44	TRANSPORTATION FUND	958,110	(66,435)	891,675
45	AIRPORT FUND	<u>32,479</u>	<u>(9,296)</u>	<u>23,183</u>
TOTAL	UNRESTRICTED FUNDS	\$ 6,657,606	\$ 623,814	\$ 7,281,420
<u>RESTRICTED FUNDS</u>				
10	ARPA-COVID FUNDS	\$ 4,707,696	\$ (608,356)	\$ 4,099,340
10	ENHANCED 911-WIRELESS	542,072	11,641	553,713
10	E911-RESERVE	133,234	16	133,250
10	SET ASIDE ACCOUNT	3,821,583	(859,730)	2,961,853
10	E-CITATION	35,437	779	36,216
10	MEDICAL COMPENSATION	186,260	397	186,657
10	BOA - LEASE PURCHASE	1,234,393	5,358	1,239,751
40	BOA - LEASE PURCHASE	2,556,830	11,099	2,567,929
42	COUNCIL RESTRICTED	1,583,909	94,678	1,678,587
70	NARCOTICS FUND	13,060	1	13,061
70	TASK FORCE	<u>3,710</u>	<u>1</u>	<u>3,711</u>
TOTAL	RESTRICTED FUNDS	\$ 14,818,184	\$ (1,344,116)	\$ 13,474,068
TOTAL ALL FUNDS		\$ 21,475,789	\$ (720,302)	\$ 20,755,487

UNRESTRICTED FUNDS - ACCOUNTED FOR AS FOLLOWS:

PETTY CASH	\$ 2,500
VIP ACCT - GOLF SALE PROCEEDS	981,870
VIP ACCTS - UNRESTRICTED	1,083,362
LGIP ACCT - UNRESTRICTED	2,561,189
CHECKING ACCT-BENCHMARK-AIRPORT	321,581
CHECKING ACCOUNT-BENCHMARK-UNRESTRICTED	<u>2,330,918</u>
TOTAL UNRESTRICTED FUNDS	\$ 7,281,420

RESTRICTED FUNDS - ACCOUNTED FOR AS FOLLOWS:

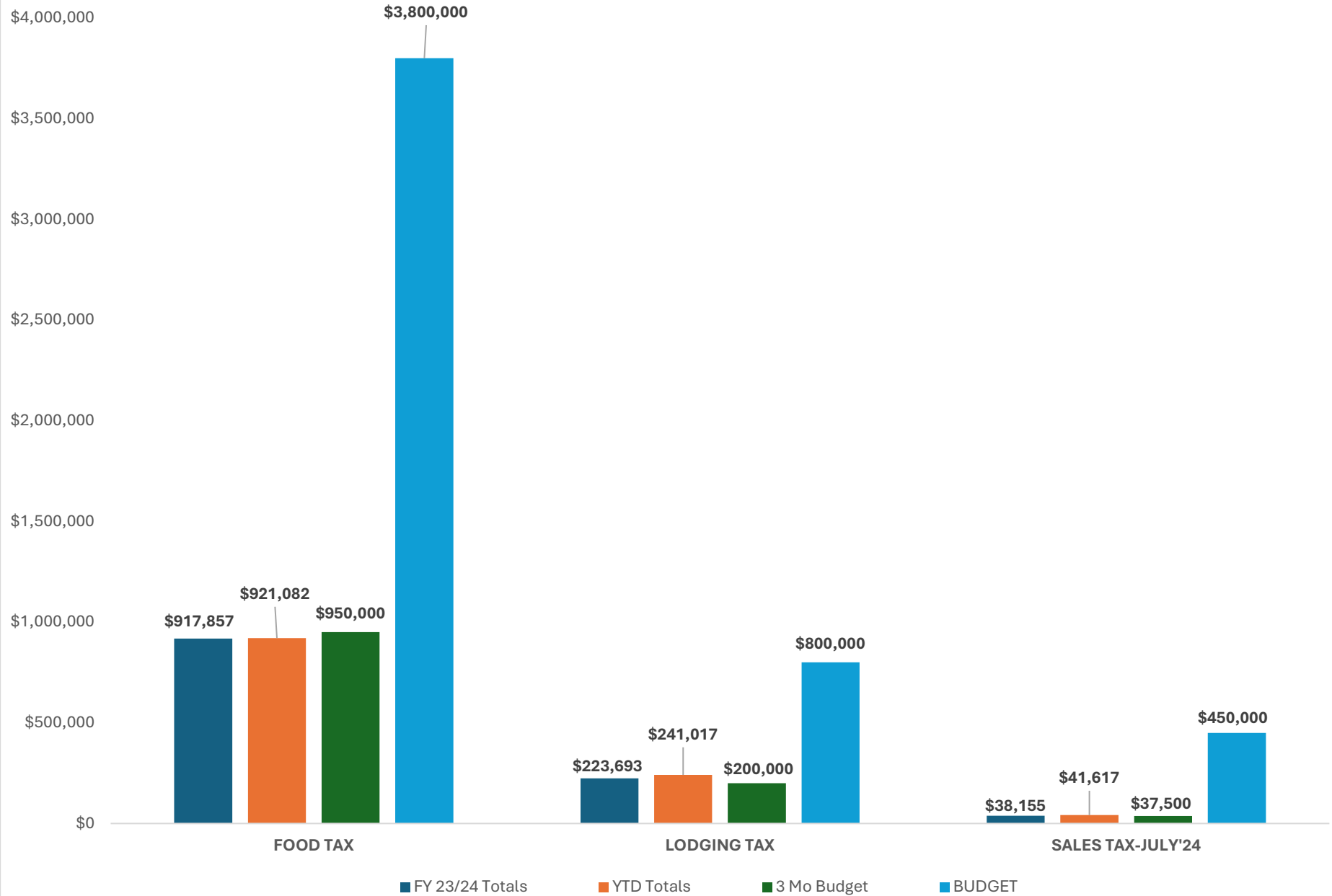
LGIP ACCT - ARPA -COVID FUNDS	\$	4,099,340
MONEY MARKET - BENCHMARK - 911 WIRELESS		228,706
VIP ACCT - WIRELESS		325,007
INTEREST CHECKING-BENCHMARK-E911 RESERVE		133,250
INTEREST CHECKING-BENCHMARK-SET ASIDE ACCOUNT		1,411,349
LGIP ACCT - SET ASIDE ACCOUNT		1,103,860
VIP ACCT - SET ASIDE ACCOUNT		446,644
INTEREST CHECKING-FARMERS BANK-E-CITATION ACCOUNT		36,216
INTEREST CHECKING-BENCHARK-MEDICAL COMPENSATION		186,657
VIP ACCT - BOA - LEASE PURCHASE		3,807,680
VIP ACCT - FUND 42 - COUNCIL RESTRICTED		1,083,355
LGIP ACCT - FUND 42 - COUNCIL RESTRICTED		595,232
INTEREST CHECKING-BENCHMARK - NARCOTICS FUND-STATE		13,061
INTEREST CHECKING-BENCHMARK-TASK FORCE		<u>3,711</u>
TOTAL RESTRICTED FUNDS	\$	13,474,068

RESPECTFULLY SUBMITTED:

Julie A. Moore

Julie A. Moore, CPA, CFE, CGFM

VARIABLE REVENUE - SEPTEMBER 2024



Year-to-Date Costs - Rescue Squad
July - June 2025

2024-2025

	<u>July</u>	<u>August</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>	<u>Jan</u>	<u>Feb</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>	<u>Total</u>
Labor	305.40	655.70	1,116.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$2,077.10
Materials	156.59	3,722.55	3,022.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$6,901.14
Equipment	130.00	310.00	107.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$547.42
Fuel	<u>1,838.77</u>	<u>1,546.09</u>	<u>1,133.46</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$4,518.32</u>
	\$2,430.76	\$6,234.34	\$5,378.88	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,043.98

SEPTEMBER MONTHLY COST-RESCUE SQUAD

2024

<u>DATE</u>	<u>Vehicle</u>	<u>DESCRIPTION OF SERVICE</u>	<u>Man</u>	<u>LABOR</u>	<u>MATERIAL</u>	<u>EQUIPMENT</u>	<u>FUEL</u>
			<u>Hours</u>	<u>COST</u>	<u>COST</u>	<u>COST</u>	<u>COST</u>
6-Sep	Rescue 10	Change oil, filter, brake pads	12	\$270.58	\$215.53		
9-Sep	Rescue 12	Change oil, air filter	2	\$45.10	\$125.69		
16-Sep	Rescue 11	Front marker lights	2	\$55.17	\$76.30		
18-Sep	Rescue 14	4 rear tires	3	\$90.43	\$1,736.52		
26-Sep	Rescue 14	Play in steering wheel	12	\$323.69	\$518.43		
23-Sep	Rescue 11	Rear brakes, steering arm,. Replace caliper	10	\$275.86	\$349.53		
23-Sep	Rescue 12	replace rear valve stem	2	\$55.17			
5-Sep	Grass	Cut Grass	6			\$107.42	
		Fuel Cost					\$1,133.46

Total Labor Cost		\$1,116.00
Total Material Cost		\$3,022.00
Total Equipment Cost		\$107.42
Total Fuel Cost		<u>\$1,133.46</u>
Total September		\$5,378.88

YTD Total		\$14,043.98
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Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 11.a. – Request to adopt Ordinance No. 230 - Amending Chapter 6 - Building by adding Article VI - Land Bank Entity

BACKGROUND: The land bank topic was brought forward at the May 1, 2024, Work Session. A Public Hearing was held at the June 12, 2024, Regular Council Meeting with input received from community members. There was a consensus to move the topic back to a work session for additional discussion. The proposed ordinance was revised and discussed at the September 4, 2024, Work Session. There was a consensus from the Council to move forward with a Public Hearing and vote on the topic.

A Public Hearing is scheduled for October 9, 2024.

RECOMMENDATION: Adopt Ordinance No. 230 - Amending Chapter 6 - Building by adding Article VI - Land Bank Entity

FISCAL IMPACT:

ATTACHMENTS:

1. Farmville Land Bank Ordinance 230 Amended- final

ORDINANCE NO. 230

Amending Chapter 6 – Building by adding Article VI – Land Bank Entity

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. Chapter 6 – Building be amended by adding Article VI – Land Bank Entity to include Sections 6-150 through 6-165 of the Town of Farmville Town Code as follows:

ARTICLE VI – LAND BANK ENTITY

Sec. 6-150. Authority For Creation

Pursuant to the authority granted by Section 15.2-7512 of the Code of Virginia, the Town of Farmville hereby designates Commonwealth Land Bank, a non-profit entity, and its governing board, to carry out the functions of a land bank entity.

Sec. 6-151. Governance

The governance structure, articles of incorporation, charters, bylaws and other corporate documents of Commonwealth Land Bank are sufficient to authorize Commonwealth Land Bank to carry out the provisions of the Land Bank Entities Act (Sections. 15.2-7500 – 15.2-7512 of the Code of Virginia).

Sec. 6-152. Purpose

The purpose of the Land Bank shall be to assist the Town of Farmville to address real property that contains residential dwelling units that are vacant, abandoned, tax delinquent, derelict, or blighted, as defined in Sections 15.2-7501, 15.2-907.1, and 58.1-3970.2 of the Code of Virginia.

Sec. 6-153. Authority To Be Appointed To Act As A Receiver

In accordance with Code of Virginia Section 15.2-907.2, the Town of Farmville may petition the circuit court for the appointment of a land bank entity created pursuant to the Virginia Land Bank Entities Act to act as a receiver to repair real property that only contains residential dwelling units in accordance with all of the following:

- 1. The locality has properly declared the subject property to be a derelict building in compliance with the provisions of Section [15.2-907.1](#) of the Code of Virginia;*
- 2. The subject property owner(s) are in noncompliance with the provisions of Section [15.2-907.1](#);*

3. The Town has properly declared the subject property to be blighted in compliance with the provisions of Section [36-49.1:1](#) for spot blight abatement, and the subject property is itself blighted;

4. The property owner(s) are in noncompliance with the provisions of Section [36-49.1:1](#) requiring abatement of the blighted condition of the property;

5. The Town has made bona fide efforts to ensure compliance by the property owners of the subject property with the requirements of Sections [15.2-907.1](#) and [36-49.1:1](#);

6. The repairs to the subject property are necessary to bring the subject property into compliance with the provisions of the Uniform Statewide Building Code;

7. The repairs to the subject property necessary to satisfy the requirements of subsection 6 shall not result in a change of use for zoning purposes of the subject property;

8. Upon appointment by the circuit court to serve as a receiver, the Town or land bank entity shall have the authority to contract for all reasonable repairs necessary to bring the property into compliance with the provisions of the Uniform Statewide Building Code, subject to all applicable requirements of state and local procurement laws. Such repairs shall be made in a time period established by the court, but in no event shall a receivership exceed two years;

9. Notwithstanding any other provision of law, the provisions of this section are subject to the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.); and

10. Notwithstanding any other provisions of law, the subject property shall be eligible for any real estate abatement programs that exist in the Town.

B. A petition by the Town to be appointed, or to appoint a land bank entity created pursuant to the Land Bank Entities Act (§ [15.2-7500](#) et seq.), to act as a receiver shall include affirmative statements that the Town has satisfied each requirement of this Section and further state that the Town has recorded a memorandum of lis pendens simultaneously with the filing of said petition. The costs of the receivership, along with reasonable attorney fees, incurred by the Town or land bank entity as receiver shall constitute a lien in favor of the Town or land bank entity against the subject property in accordance with the provisions of Section [58.1-3340](#) of the Virginia Code, and shall be equivalent to and collectible in the same manner as delinquent real estate taxes owed to the Town. The judicial proceedings discussed herein shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor.

C. The Town or land bank entity created pursuant to the Virginia Land Bank Entities Act (§ [15.2-7500](#) et seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at public auction, but only upon application for and entry of an order of sale by the circuit court. The court shall appoint a special commissioner to conduct the sale, and an attorney employed by the Town may serve as special commissioner. Such sale shall be upon order of the court entered after notice as required by the Rules of the Supreme Court of Virginia and following publication of notice of the sale three times in a newspaper of general circulation, with the first notice appearing no more than thirty-five (35) days before the sale and the third notice appearing no less than seven days before the sale. Following such public auction, the

special commissioner shall file an accounting with the court and seek confirmation of the sale. Upon confirmation, the special commissioner shall be authorized to execute a deed conveying title, which shall pass free and clear to the purchaser at public auction. Following such sale, the former owner(s), or any heirs, assignees, devisees, or successors in interest to the property shall be entitled to the surplus received in excess of the receiver's lien, taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. At any time prior to confirmation of the sale, the owner shall have the right to redeem the property, as provided for in subsection D. The character of the title acquired by the purchaser of the property at public auction shall be governed by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally.

D. The owner of any property subject to receivership may redeem the property at any time prior to the expiration of the two-year period or prior to confirmation of sale at public auction by paying the receiver's lien in full as well as the taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. Partial payment shall not be sufficient to redeem the property and shall not operate to suspend the receivership.

E. In lieu of appointment of a receiver, the circuit court shall permit repair by a property owner or a person with an interest in the property secured by a deed of trust properly recorded upon the following conditions:

- 1. Demonstration of the ability to complete the repair within a reasonable amount of time to be determined by the court; and*
- 2. Entry of a court order setting forth a schedule for such repair.*

Secs. 6-154 – 6-165. – Reserved.

2. 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 9, 2024

ITEM NUMBER: 11.b. – Discussion: Zion Subdivision Preliminary Plat/Site Plan Review (Layne Street)

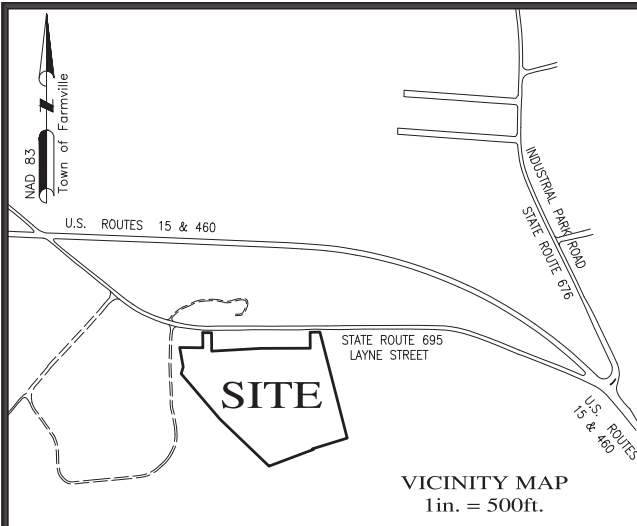
BACKGROUND: Developer Ben Lapp wishes to address the Council, per a discussion held with his ward Council member.

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:

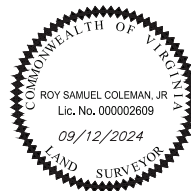
- Tax Map Parcel No.23--A--61.
- This plat has been prepared without the benefit of a title examination and therefore does not necessarily indicate all encumbrances on the property.
- This land is situated in a F.I.R.M. Zone X (areas of minimal flood hazard), as shown on Town of Farmville, Virginia, 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

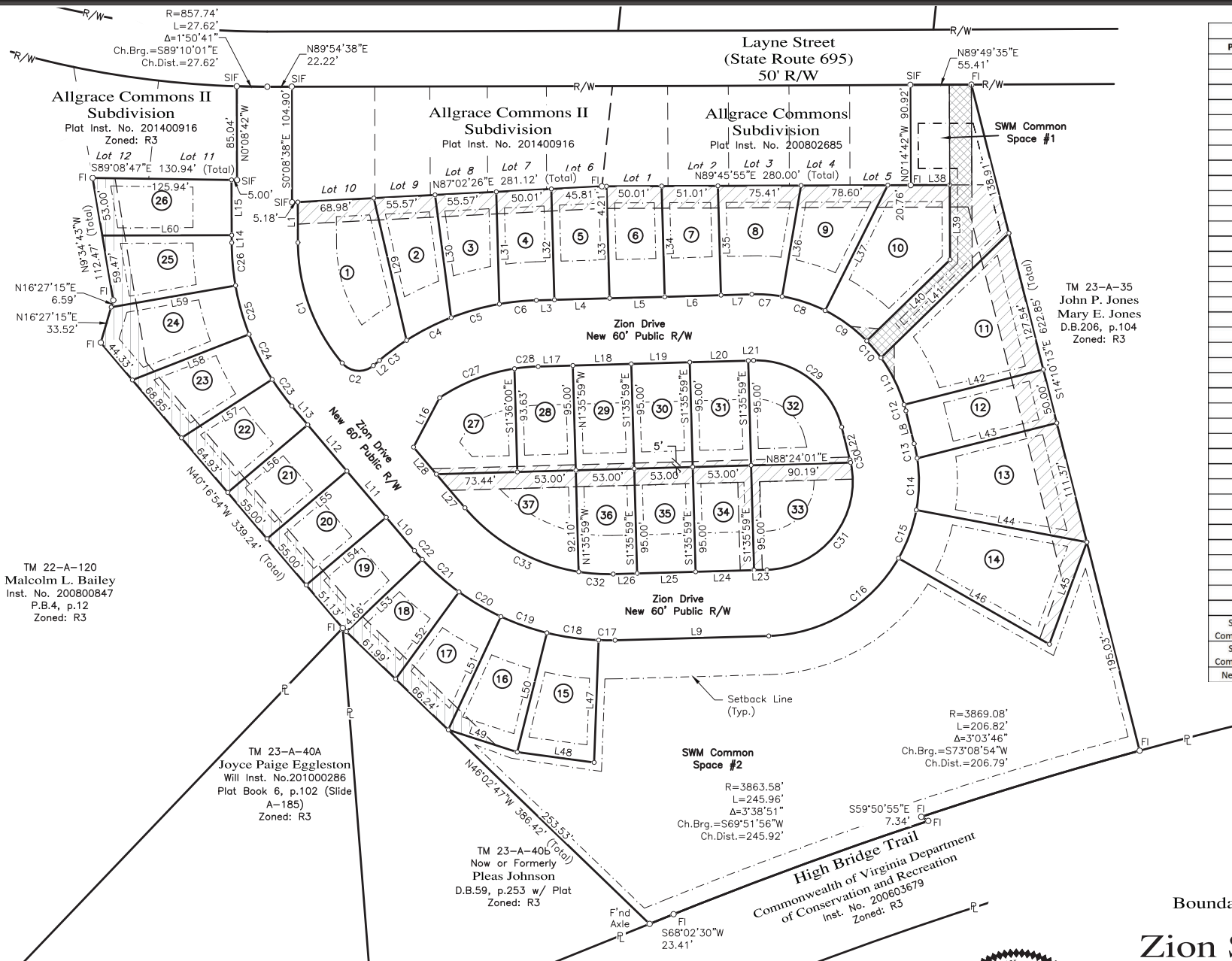
President of Town Council

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

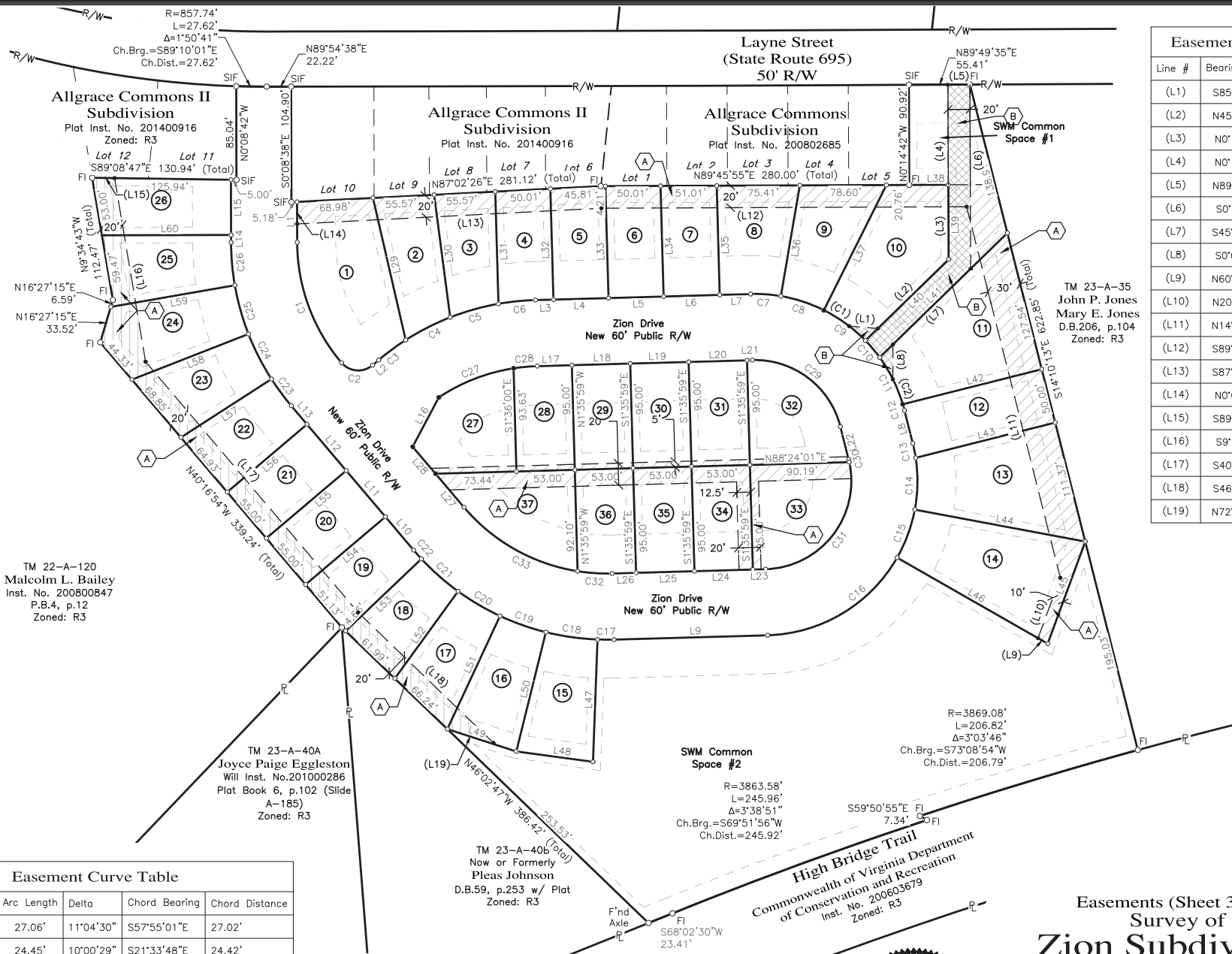
FI = Found Iron
SIF = Set Iron Flush



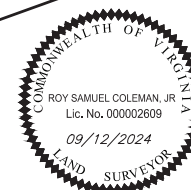
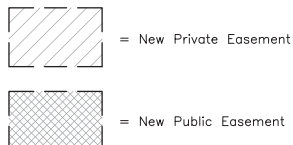
21S0155
FB1247-02

Boundaries (Sheet 2 of 3)
Survey of
Zion Subdivision
Town of Farmville, Prince Edward County, Virginia
September 12, 2024
Scale: 1in.=60ft.
60' 0' 30' 60' 120' 240'

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



- 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 ().



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.
60' 0' 30' 60' 120' 240'

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 9, 2024

ITEM NUMBER: 12.a. – Request to adopt 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: Proposed Ordinance No. 237 was brought forward for review at the October 2, 2024, Work Session. A Public Hearing is scheduled for October 9, 2024.

RECOMMENDATION: Adopt Ordinance No. 237

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 FDCC 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 FDCC 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 FDCC may require immediate compliance. In any other case, the VESCP authority or the FDCC 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 FDCC 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 Pairt _____.

The Honorable Adam Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John Hardy _____.



Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 12.b. – Request to approve Resolution No. 2024-10-01 - To transfer funds within the General Fund and Street Maintenance Fund for FY24

BACKGROUND: Finance Director Julie Moore provided a review of the proposed budget adjustment at the September 4, 2024, Work Session.

A Public Hearing is scheduled for October 9, 2024.

RECOMMENDATION: Approve Resolution No. 2024-10-01

FISCAL IMPACT:

ATTACHMENTS:

1. Resolution - Transfer Between Departments FY24 - 10.2024
2. Exhibit A

Resolution No. 2024-10-01

A RESOLUTION TO TRANSFER FUNDS WITHIN THE GENERAL FUND AND STREET MAINTENANCE FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024

WHEREAS, it is necessary to transfer funds within the General Fund and the Street Maintenance Fund to address insufficient funding in various departments for the fiscal year beginning July 1, 2023, and ending June 30, 2024; and

WHEREAS, the General Fund requires a transfer of \$185,936.22 to various departments to ensure adequate funding;

WHEREAS, the Street Maintenance Fund requires a transfer of \$720,019.31, of which \$267,531.91 will be transferred between departments to address funding shortfalls and the remaining \$452,487.40 will be funded through additional revenue sources;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Farmville that:

1. A transfer of \$185,936.22 is approved within the General Fund to various departments as outlined in the attached Exhibit A.
2. Within the Street Maintenance Fund: a. A transfer of \$267,531.91 is approved to be moved between departments to address insufficient funding. b. An additional \$338,345.68 is allocated to the Highway Fund revenue line. c. The use of \$114,141.72 from the prior year fund balance is approved to offset expenses in the Collector department, totaling \$452,487.40.
3. The purpose of these transfers is to resolve funding deficiencies and ensure proper allocation of resources by the end of the fiscal year.
4. The Finance Director is hereby authorized to make all necessary adjustments to the General Fund and Street Maintenance Fund accounts to effectuate these transfers.

Approved:

Mayor

Attest:

Town Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Sallie O. Amos: _____.

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

The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairet _____.

The Honorable Adam B Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.

EXHIBIT A

PROPOSED BUDGET ADJUSTMENTS FY24

Account Id	Description	Debit	Credit
15-2404-0007	HIGHWAY FUNDS		338,345.68
15-1100-5473	PAVING-ARTERIAL		267,531.91
15-1110-5473	PAVING-COLLECTOR	720,019.31	
15-4100-0050	USE OF PY FUND BALANCE		114,141.72
TOTALS - Fund 15		720,019.31	720,019.31

10-3200-5448	MAINT-TRUCKS & EQUIP	41,709.26		Overage due to ladder truck
10-4300-5409	JANITORIAL CONTRACT		41,709.26	

10-1500-7002	OPENGOV SOFTWARE #5105	18,000.00		
10-4300-5409	JANITORIAL CONTRACT		18,000.00	GASB 96 - Record future payments

10-6100-5450	MAINT-BUILDINGS & GROUNDS	14,783.85		
10-4300-5409	JANITORIAL CONTRACT		14,783.85	Library Maintenance (A/C Unit)

10-8100-5838	POLICE LEASED VEHICLES (5 YEAR)	82,000.00		FY24 Lease purchased at time of
10-8100-5839	POLICE LEASED VEHICLES INTEREST (5 YEAR)	21,000.00		budget was unaware of payment
10-4300-7525	PAINT INTERIER TRAIN STATION		20,000.00	and terms
10-4300-7526	ORIENTAL RUGS TRAIN STATION		21,993.00	
10-4300-5451	MAINT-GROUNDS		24,000.00	
10-4300-2005	HOSPITAL INSURANCE		34,000.00	
10-4300-5412	EXPENDABLE TOOLS & SUPPLIES		3,007.00	

10-7130-5450	MAINT-SPORTS ARENA	647.21		
10-4300-5409	JANITORIAL CONTRACT		647.21	

10-9100-7610	DISPATCH CENTER GENERATOR	7,795.90		
10-4300-5409	JANITORIAL CONTRACT		7,795.90	

TOTALS - Fund 10		185,936.22	185,936.22	
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Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 12.c. – Request to approve Resolution No. 2024-10-02 - To carry forward encumbered amounts from FY24 budget to FY25 budget

BACKGROUND: Finance Director Julie Moore provided a review of the proposed budget adjustment at the September 4, 2024, Work Session.

A Public Hearing is scheduled for October 9, 2024.

RECOMMENDATION: Approve Resolution No. 2024-10-02

FISCAL IMPACT:

ATTACHMENTS:

1. Resolution - Encumbered Amounts from FY24 to Fy25 - 10.2024

Resolution No. 2024-10-02

A RESOLUTION TO CARRY FORWARD ENCUMBERED AMOUNTS FROM FY24 BUDGET TO FY25 BUDGET

WHEREAS, certain items ordered in Fiscal Year 2024 were not received or invoiced by the end of the fiscal year, necessitating the transfer of encumbered funds to the new fiscal year; and

WHEREAS, it is necessary to transfer these funds to the Fiscal Year 2025 budget to cover outstanding encumbrances and ensure that all items and projects are completed as planned;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FARMVILLE:

1. To transfer Fiscal Year 2024 budgeted funds to the Fiscal Year 2025 budget in the aggregate amount of \$1,172,166.99, as follows:
 - General Fund (Fund 10): \$306,824.50
 - Street Maintenance Fund (Fund 15): \$8,984.14
 - Water Fund (Fund 40): \$295,650.00
 - Sewer Fund (Fund 42): \$235,836.37
 - Transportation Fund (Fund 44): \$311,460.00
 - Airport Fund (Fund 45): \$13,411.98
2. The purpose of these transfers is to carry forward budgeted funds for items and projects that were ordered but not received or invoiced by June 30, 2024.
3. The Finance Director is hereby authorized to make the necessary adjustments to the Fiscal Year 2025 budget to reflect these encumbrances.

Approved:

Mayor

Attest:

Town Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Sallie O. Amos: _____.

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

The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairet _____.

The Honorable Adam B. Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.



Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 12.d. – Request to approve Resolution No. 2024-10-03 - To amend the FY25 budget to carry forward unencumbered funds from FY24 and to include additional ARPA revenue

BACKGROUND: Finance Director Julie Moore provided a review of the proposed budget adjustment at the September 4, 2024, Work Session.

A Public Hearing is scheduled for October 9, 2024.

RECOMMENDATION: Approve Resolution No. 2024-10-03

FISCAL IMPACT:

ATTACHMENTS:

1. Resolution - Carryforward Projects to Fy25 - 10.2024

Resolution No. 2024-10-03

A RESOLUTION TO AMEND THE FY25 BUDGET TO CARRY FORWARD UNENCUMBERED FUNDS FROM FY24 AND TO INCLUDE ADDITIONAL ARPA REVENUE

WHEREAS, certain items budgeted in Fiscal Year 2024 were not encumbered by the end of the fiscal year due to the projects not having commenced; and

WHEREAS, these commitments were previously approved by the Council, and it is necessary to roll over these funds into the Fiscal Year 2025 budget; and

WHEREAS, the Sewer Fund requires the inclusion of additional ARPA revenue to fund the UV Conversion Project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FARMVILLE:

1. To carry forward the following unencumbered amounts from the Fiscal Year 2024 budget to the Fiscal Year 2025 budget:

General Fund (Fund 10):

- STATION TRAFFIC WARNING: \$6,670.79
- ABM EXPENSES: \$1,185,576.96
- Total: \$1,192,247.75

Water Fund (Fund 40):

- OXIDATION TANK-ARPA #8836509: \$537,238.21
- GEOLOGICAL STUDY WELL SITE-ARPA: \$100,000.00
- AIR SOUR SYSTEM-ARPA: \$135,000.00
- CONVERSION LIME TO CAUSTIC SODA-ARPA: \$165,000.00
- INFLUENT ACTUATOR VALUE ASSY-ARPA: \$48,000.00
- OVERAGES OF ARPA PROJECTS: \$326,500.00
- Total: \$1,311,738.21

Sewer Fund (Fund 42):

- ELECTRIC ACTUATORS-ARPA: \$23,000.00
- UV CONVERSION PROJECT-ARPA: \$436,153.00
- UV CONVERSION PROJECT-ARPA (including Revenue): \$2,500,000.00
- Total: \$2,959,153.00

2. To include the additional ARPA revenue in the Sewer Fund to cover the UV Conversion Project, as previously discussed by the Council.
3. The Finance Director is hereby authorized to make the necessary adjustments to the Fiscal Year 2025 budget to reflect these amendments.

Approved:

Mayor

Attest:

Town Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Sallie O. Amos: _____.

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

The Honorable Daniel E. Dwyer _____.

The Honorable Tommy Pairt _____.

The Honorable Adam B. Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.



Town of Farmville

Agenda Item Summary

MEETING DATE: October 9, 2024

ITEM NUMBER: 12.e. – Request to adopt updated Farmville Area Bus Title VI Plan

BACKGROUND: The updated plan was brought forward for the Council's review at the October 2, 2024, Work Session.

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: Adopt updated Farmville Area Bus Title VI Plan

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.

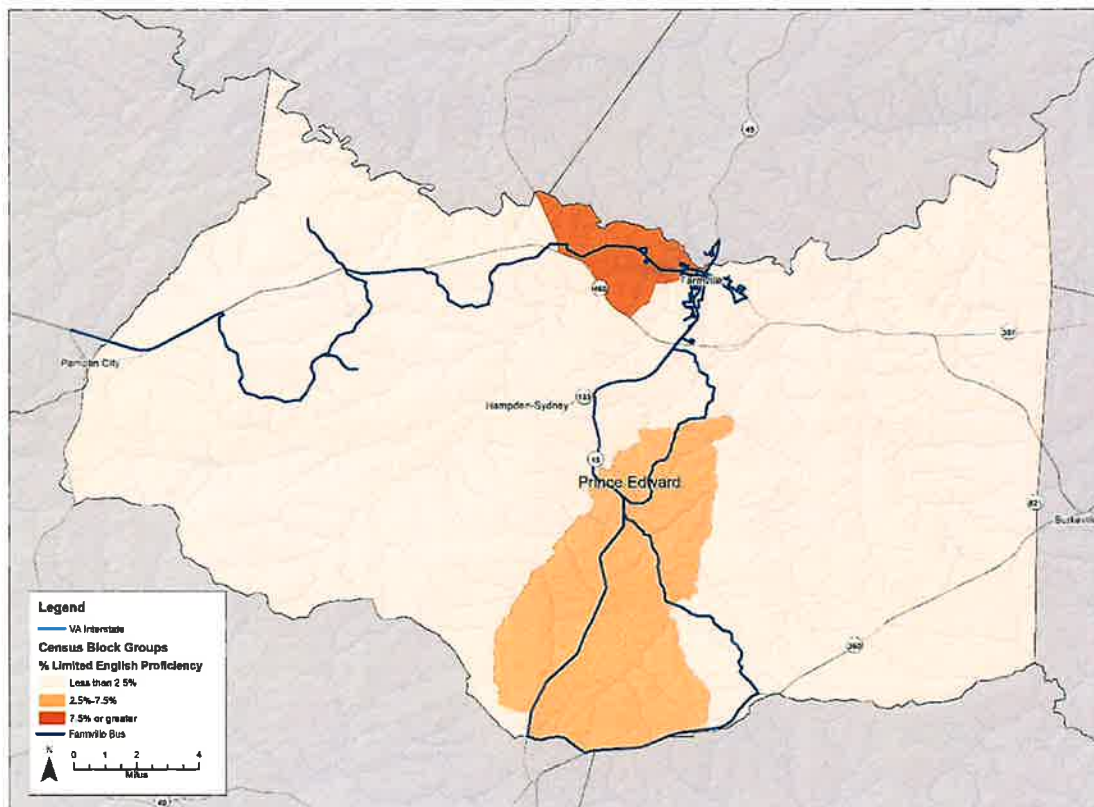
U.S. Census Data -American Community Survey (2011-2015)

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

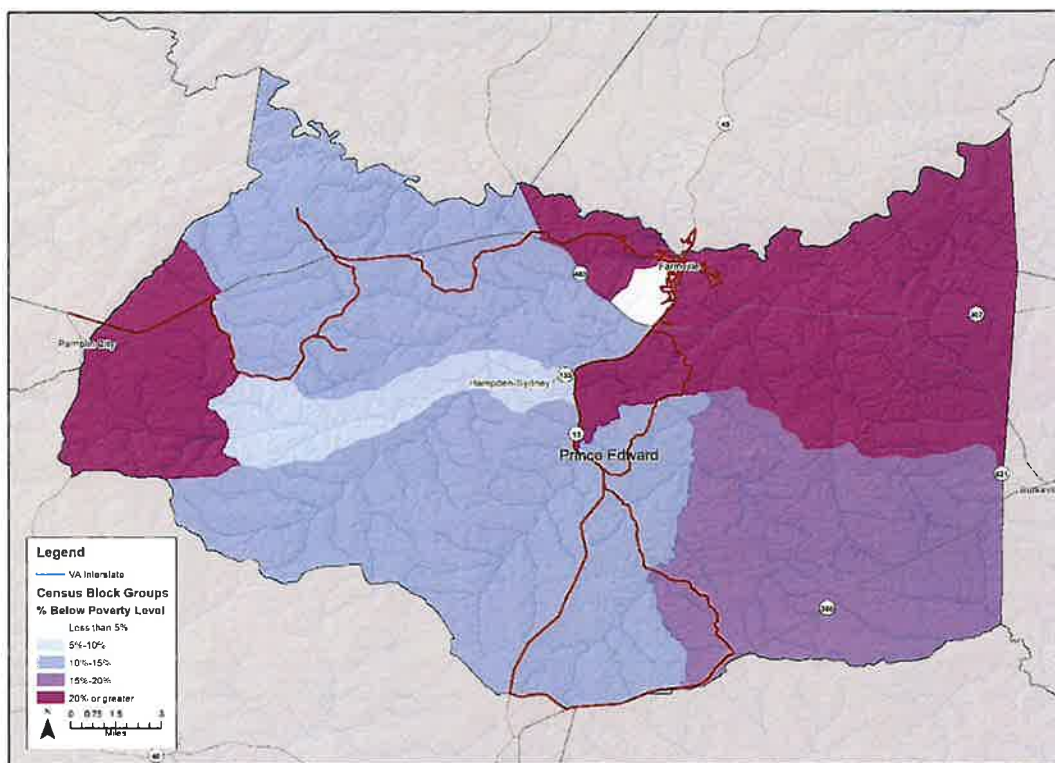
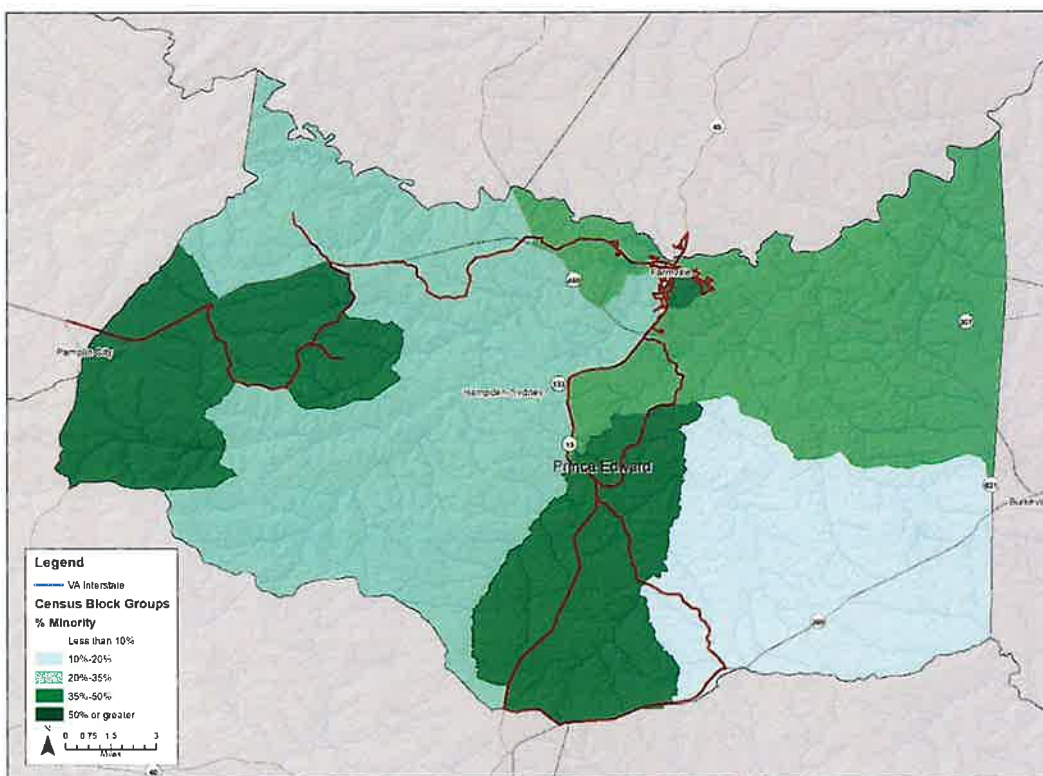


Figure 1-3: Percent Minority by Block Group



- **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 9, 2024

ITEM NUMBER: 12.f. – Request to adopt Resolution No. 2024-10-04 - Authorizing the allocation of additional set-aside funds to cover the budget deficit for the splashpad bathroom construction project

BACKGROUND: Verbal report by the Town Manager.

The Town Council previously approved a budget of \$150,000 for the construction of bathroom facilities, including changing rooms and showers, at the Splashpad location. Due to rising construction costs and updated design requirements, the projected cost for this project has increased to \$332,736. This leaves a deficit of \$182,736.

The Council has agreed to allocate set-aside funds to cover this deficit, ensuring the completion of the project. The set-aside funds have been reviewed, and there are sufficient funds available to address this shortfall without impacting other planned projects.

ACTION REQUESTED: Approval of the following:

1. Authorize the transfer of \$182,736 from the set-aside funds to cover the additional cost for the Splashpad bathroom construction project.
2. Approve the total project cost of \$332,736 and authorize the commencement of the construction project.

PURPOSE: The additional funding will cover the increased costs, ensuring the successful completion of the Splashpad bathroom facilities, which are critical to enhancing the functionality and accessibility of the Splashpad location for public use.

RECOMMENDATION: Adopt Resolution No. 2024-10-04

FISCAL IMPACT:

ATTACHMENTS:

1. Splashpad Resolution

Resolution No. 2024-10-04

A RESOLUTION TO AMEND THE FY25 BUDGET TO ALLOCATE ADDITIONAL SET-ASIDE FUNDS FOR THE SPLASHPAD BATHROOM CONSTRUCTION

WHEREAS the Town Council previously approved a budget of **\$150,000** for the construction of bathroom facilities, including changing rooms and showers, at the Splashpad location; and

WHEREAS due to rising construction costs and updated design requirements, the projected cost for the Splashpad bathroom construction has increased to **\$332,736**, resulting in a deficit of **\$182,736**; and

WHEREAS the Council has agreed to utilize set-aside funds to cover this deficit, ensuring that the project can be completed without affecting other planned projects;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FARMVILLE:

1. To authorize the allocation of **\$182,736** from set-aside funds to cover the budget deficit for the Splashpad bathroom facilities construction project.
2. To approve the total project cost of **\$332,736**, allowing for the completion of the bathroom facilities, including changing rooms and showers, at the Splashpad location.
3. The Finance Director is hereby authorized to make the necessary adjustments to the Fiscal Year 2025 budget to reflect this allocation and proceed with the construction as per the updated project plan.

Approved:

Mayor

Attest:

Town Clerk

I certify that the above resolution was:

Adopted on _____.

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

The Honorable Sallie O. Amos:	_____.
The Honorable A.D. "Chuckie" Reid	_____.
The Honorable Daniel E. Dwyer	_____.
The Honorable Tommy Pairet	_____.
The Honorable Adam B. Yoelin	_____.
The Honorable Donald L. Hunter	_____.
The Honorable John F. Hardy	_____.