

REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL
HELD ON OCTOBER 9, 2024

At the regular meeting of the Farmville Town Council held on Wednesday, October 9, 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, Adam Yoelin, Donald Hunter, 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, Fire Chief Daniel Clark, and Clerk of Council Mary McKay.

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

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

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. Hunter, 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. 230 – AMENDING CHAPTER 6 – BUILDING BY ADDING ARTICLE VI – LAND BANK ENTITY

Jesse Yeatts, Prince Edward resident, addressed the Council and reported that he takes care of two homes in the Town of Farmville. Having seen the last article in *The Farmville Herald* concerning the landbank topic where the Town would have the right to tear down boarded-up houses with no electricity and such, Mr. Yeatts expressed his full support. However, he would like for Council to consider if a family is living in a home with electricity but are unable to provide repairs due to some hard times and ensure that a family is not placed on the street.

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**

With no one signed up to provide comments, the public hearing on Ordinance No. 237 was closed.

**PUBLIC HEARING – RESOLUTION NO. 2024-10-01 – TO TRANSFER FUNDS WITHIN
THE GENERAL FUND AND STREET MAINTENANCE FUND FOR FY24**

With no one signed up to provide comments, the public hearing on Resolution No. 2024-10-01 was closed.

**PUBLIC HEARING – RESOLUTION NO. 2024-10-02 – TO CARRY FORWARD
ENCUMBERED AMOUNTS FROM FY24 BUDGET TO FY25 BUDGET**

With no one signed up to provide comments, the public hearing on Resolution No. 2024-10-02 was closed.

**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**

With no one signed up to provide comments, the public hearing on Resolution No. 2024-10-03 was closed.

PUBLIC COMMENT PERIOD

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

CONSENT AGENDA

Mr. Dwyer made a motion to adopt the Consent Agenda as presented, seconded by Mr. Reid, and with all in favor stating “aye”, the motion passed. The Consent Agenda included the draft minutes of September 4, 2024, Work Session and September 11, 2024, Regular Council Meeting.

FINANCE REPORT

Mr. Reid made a motion to accept the Finance Report as presented, seconded by Mr. Pairt, and with all in favor stating “aye”, the motion passed.

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

- ABM Building Solutions project - \$16,457
- Virginia Investment Pool (VIP) - \$16,066
- Sweep accounts at Benchmark Community Bank - \$12,693

- Local Government Investment Pool (LGIP) - \$35,757
- Total for month of September, excluding ABM income - \$64,516

Ms. Moore also reported that the bond payment due in October was made at the end of September. Mayor Vincent mentioned the support provided to the Rescue Squad from contributions made of just over \$13,000.

REQUEST TO ADOPT ORDINANCE NO. 230 – AMENDING CHAPTER 6 – BUILDING BY ADDING ARTICLE VI – LAND BANK ENTITY

Mayor Vincent brought forward Agenda Item 11 a. Request to adopt Ordinance No. 230 Amending Chapter 6 regarding Land Bank Entity. Mr. Yoelin made a motion to request Ordinance No. 230 Amending Chapter 6 Building and adding Article VI Land Bank Entity, seconded by Mr. Dwyer, and with a recorded vote of Council members Amos, Reid, Dwyer, Pairet, Yoelin, Hunter, and Hardy voting “yes”, the motion passed.

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 was held on October 9, 2024.

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

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 Pairt _____.

The Honorable Adam Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John Hardy _____.

DISCUSSION: ZION SUBDIVISION PRELIMINARY PLAT/SITE PLAN REVIEW (LAYNE STREET)

The developer for the subdivision, Ben Lapp, addressed the Council to provide some comments for consideration. A handout was distributed to Council members. Mr. Lapp referenced an August 16, 2024, letter received from the Community Development office which advised that sidewalks are required on one side of the street. He continued by stating every house would have access to the sidewalk and advised that according to VDOT standards, no sidewalks are required. A review was made of the plat provided as it related to the proposed sidewalk. Mr. Lapp noted his concern for the affordability of lots within the subdivision. He reiterated that the Town advised only one sidewalk is required and that he wants to relay the affordability to the customer, feeling that there is a need to keep houses in the \$250,000-\$300,000 range. The more costs added to the project would make it less affordable for the potential buyer. Mr. Lapp asked the Council to consider the one sidewalk as sufficient.

The Town Manager was asked to review the language of the new sidewalk ordinance concerning development and frontage.

Council members asked questions about the information being provided and discussion was held including the topic of tap fees. It was asked that the Town Manager pull some of the data on tap fees for residential development.

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

Mr. Pairet made a motion to adopt Ordinance No. 237, seconded by Mr. Dwyer, and with a recorded vote of Council members Reid, Dwyer, Pairet, Yoelin, Hunter, Hardy, and Amos voting “yes”, the motion passed.

BACKGROUND: The updated regulations for the erosion and sediment control program are reflected in this ordinance. The Town provides its own erosion and sediment control, with Prince Edward County providing stormwater management.

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

**REQUEST TO APPROVE RESOLUTION NO. 2024-10-01 – TO TRANSFER FUNDS
WITHIN THE GENERAL FUND AND STREET MAINTENANCE FUND FOR FY24**

Mr. Hardy made a motion to approve Resolution No. 2024-10-01, seconded by Mr. Reid, and with a recorded vote of Council members Dwyer, Pairt, Yoelin, Hunter, Hardy, Amos, and Reid voting “yes”, the motion passed.

BACKGROUND: Finance Director Julie Moore reviewed the budget adjustment at the September 4, 2024, Work Session. A Public Hearing was held on October 9, 2024.

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 Pairt _____.

The Honorable Adam B Yoelin _____.

The Honorable Donald L. Hunter _____.

Farmville Town Council
Regular Meeting of October 9, 2024

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

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

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

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

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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	

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

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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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**REQUEST TO APPROVE RESOLUTION NO. 2024-10-02 – TO CARRY FORWARD
ENCUMBERED AMOUNTS FROM FY24 BUDGET TO FY25 BUDGET**

Mr. Reid made a motion to approve Resolution No. 2024-10-02, seconded by Mr. Pairet, and with a recorded vote of Council members Pairet, Yoelin, Hunter, Hardy, Amos, Reid, and Dwyer voting “yes”, the motion passed.

BACKGROUND: Finance Director Julie Moore reviewed the budget adjustment at the September 4, 2024, Work Session. A Public Hearing was held on October 9, 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:
 - o General Fund (Fund 10): \$306,824.50
 - o Street Maintenance Fund (Fund 15): \$8,984.14
 - o Water Fund (Fund 40): \$295,650.00
 - o Sewer Fund (Fund 42): \$235,836.37
 - o Transportation Fund (Fund 44): \$311,460.00
 - o 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 Pairt _____.

The Honorable Adam B. Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.

**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**

Mr. Hunter made a motion 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, seconded by Mrs. Amos, and with a recorded vote of Council members Yoelin, Hunter, Hardy, Amos, Reid, Dwyer, and Pairt voting "yes", the motion passed.

BACKGROUND: Finance Director Julie Moore reviewed the budget adjustment at the September 4, 2024, Work Session. A Public Hearing was held on October 9, 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 Pairat _____.

The Honorable Adam B. Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.

REQUEST TO ADOPT UPDATED FARMVILLE AREA BUS TITLE VI PLAN

Mr. Hunter made a motion to adopt the updated Farmville Area Bus Title VI Plan, seconded by Mr. Dwyer, and with a recorded vote of Council members Hunter, Hardy, Amos, Reid, Dwyer, Pairat, and Yoelin voting "yes", the motion passed.

BACKGROUND: The Farmville Area Bus receives public transportation funding from the Federal Transit Administration (FTA) and the Virginia Department of Rail and Public Transportation (DRPT). To receive funding from the FTA and the DRPT, the Farmville Area Bus

is required to develop policies, programs, and practices that ensure federal and state transit dollars are used in a manner that is nondiscriminatory as required under Title VI. The plan is to be updated periodically (at least every three years) to incorporate changes and additional responsibilities that arise.

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

Mrs. Amos made a motion to pass Resolution No. 2024-10-04, seconded by Mr. Reid, and with a recorded vote of Council members Hardy, Amos, Reid, Dwyer, Pairet, Yoelin, and Hunter voting “yes”, the motion passed.

BACKGROUND: Finance Director Julie Moore provided an update at the October 2, 2024, Work Session on the cost to build a bathroom at the splashpad park. Originally a prefabricated structure was considered but was determined not to be an available option. The cost provided is for the construction of a 930 square foot concrete bathroom with women’s and men’s stalls, showers and changing rooms, ADA-compliant, and includes an engineering fee.

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 Pairt _____.

The Honorable Adam B. Yoelin _____.

The Honorable Donald L. Hunter _____.

The Honorable John F. Hardy _____.

TOWN MANAGER'S REPORT

- Another traffic analysis was completed on the 500 and 800 blocks of First Avenue. Council members were provided with a review of the data obtained. There was more vehicular

traffic in September compared to the August timeframe, but the data was the same as previously reported. Enforcement action on the vehicular speeding is believed to be all that is needed and not to change the flow of traffic with stop signs.

- Sheetz is planning in 2025 to demolish their current building and rebuild adding a potential drive-thru. The structure will be torn down and the new model rebuilt and then soon be back up and running.
- Dominion Energy is planning to also remodel the existing building on East Third Street in 2025.
- Hurt & Proffitt staff have located and identified 450 of the town's 453 fire hydrants for the asset management plan for infrastructure. Work is continuing on the inspection of manholes of which 635 of the town's 1300 have been completed.
- TRC will have the lead and copper survey completed by the federal government deadline but there will be many unknown areas. There is a time period to resubmit the unknown information.

Finance Director Julie Moore provided an update on the plan to obtain this information. A letter is required to notify residents that the property information was identified as unknown. The utility bills are to contain a flyer and information placed in the newsletter notifying residents. When the letters are sent, a step-by-step survey will be included which describes the information being sought. Residents may take pictures to send in. If the information is sent in within a certain timeframe, a \$20.00 discount will be offered from the utility bill. For the remainder of information needed, the meter readers will place notices on doors to schedule a time to determine the line coming into the residence.

- Public Works Department has made more progress on ADA access on sidewalks within the last few weeks in front of Food Lion and the shopping center on Main Street.
- Fall cleanup is scheduled for October 21, 2024. There was an initial misprint on Facebook. Items must be left out before 7:30 AM on October 21, 2024, and residents must contact the Public Works Department by Friday, October 18, 2024, at 4:00 PM, to report items will be left out for pickup.
- The contractor with ABM, Pedal Valve, is on site to begin the replacement of commercial water meters.

- Work is nearing completion at the Town Hall building on the basement ceiling near the elevator access and the replacement of the generator.
- An update was provided on Mr. Hunter's request concerning a bus shelter on Vernon Street. Julie Adams with the Farmville Area Bus will submit a grant in February 2025, with an award anticipated by August 2025.

COMMENTS BY MAYOR AND TOWN COUNCIL

- Mr. Yoelin thanked everyone for their attendance and participation at the meeting. A reminder was made of Breast Cancer Awareness month. A thank you was expressed to Public Works Director Robin Atkins for the work on the handicap accessibility on the sidewalks in front of Food Lion.
- Mr. Pairet asked the Town Manager if Hurt & Proffitt is still on schedule to provide the asset management report in December. The Town Manager reported that December is still the goal for completion, and that it is not an easy process to complete.

Mayor Vincent provided an update:

- Pig Roast held last month in support of the Habitat for Humanity.
- National Night Out event was cancelled due to inclement weather.
- Served as coach at Symposium Day at Longwood University.
- Attended the National Leadership Forum on Rural Development and Outdoor Recreation in Pittsburg, PA.
- Welcomed one of the most successful sports authors in American history and new resident to Farmville, John Feinstein.
- Farmville Downtown Partnership held the Rock the Block event.
- Longwood University basketball team scrimmage held.
- Attended the Alzheimer's Leadership roundtable with Police Chief Andy Ellington regarding the Alzheimer's Walk to be held in November.
- With Council members wearing pink to show support, a reminder was made of Breast Cancer Awareness month. Sentiments were expressed to those who have suffered or survived the cancer.

Farmville Town Council
Regular Meeting of October 9, 2024

- Council members will attend the VML conference scheduled on October 13-15, 2024, in Virginia Beach, VA.
- Three members of the Farmville Town Council are up for election and on the ballots during this election season. Voting is participation in democracy, and everyone is encouraged to go out and vote.

There being no other business and on a motion by Mr. Hunter, seconded by Mr. Hardy, with all in favor stating “aye”, the meeting adjourned at 6:50 PM.

APPROVED:

ATTEST:

Brian R. Vincent, Mayor

Mary H. McKay, Clerk of Council