



# Town of Farmville

## Town Council

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April 8, 2026 at 6:00 PM  
Council Chamber of the Town Hall  
116 North Main Street, Farmville, VA

### AGENDA

1. **Call to Order**
2. **Roll Call**
3. **Invocation**
4. **Pledge of Allegiance**
5. **Adoption of Agenda**
6. **Declaration of Personal Interest**
7. **Presentation of Proclamation**
  - a. Proclamation in Recognition of April as National Poetry Month
8. **Public Hearing**
  - a. Public Hearing - Ordinance No. 242 - Repealing Chapter 10 – Erosion and Sediment Control and Enacting Chapter 10 – Erosion and Stormwater Management Program to fulfill the Town regulating erosion, sediment control, and stormwater management in accordance with the regulations from the Virginia Erosion and Stormwater Management Program
  - b. Public Hearing - Ordinance No. 243 - Amending Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town
  - c. Public Hearing - Ordinance No. 244 - Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town
9. **Public Comment Period**
  - a. Public Comment Sign-up Sheet
10. **Consent Agenda**
  - a. Draft Minutes of the 2026-02-23 Special Meeting, 2026-03-04 Work Session, and the 2026-03-11 Regular Council Meeting
11. **Finance Report - (no report)**
12. **Old Business**
  - a. Request Adoption of Ordinance No. 242 - Repealing Chapter 10 – Erosion and Sediment Control and Enacting Chapter 10 – Erosion and Stormwater Management Program to fulfill the Town regulating erosion, sediment control, and stormwater management in accordance with the regulations from the Virginia Erosion and Stormwater Management Program
13. **New Business**

- a. Request Adoption of Ordinance No. 243 - Amending Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town
- b. Request Adoption of Ordinance No. 244 - Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town
- c. Request Acceptance of the Planning Commission 2025 Annual Report
- d. Request Acceptance of the Board of Zoning Appeals 2025 Annual Report

**14. Town Manager's Report**

**15. Comments by Mayor and Town Council**

**16. Closed Session**

- a. 2.2-3711 A.1. Discussion and consideration of a prospective candidate for appointment to the Tree Board



**PROCLAMATION  
IN RECOGNITION OF APRIL AS  
NATIONAL POETRY MONTH**

**WHEREAS**, the Academy of American Poets established the month of April as National Poetry Month in 1996; and

**WHEREAS**, National Poetry Month seeks to highlight the ongoing achievement of American poets by introducing Americans to the pleasures and benefits of reading poetry; by bringing poets and poetry to the public in immediate and innovative ways and by making poetry an important part of our children's education; and

**WHEREAS**, as National Poetry Month, under the leadership and direction of the Academy of American Poets, is now the largest literary celebration in the world; and

**WHEREAS**, poetry enriches the lives of all Americans; and

**WHEREAS**, poetry, as an essential part of the arts and humanities, affects every aspect of life in America today, including education, the economy, and community pride and development; and

**WHEREAS**, poetry has produced some of the nation's leading creative artists and has inspired other artists in fields such as music, theatre, film, dance, and the visual arts; and

**WHEREAS**, National Poem in Your Pocket Day will be celebrated on April 29<sup>th</sup>. Poems will be available at Farmville Downtown Businesses, CENTRA Hospital, and Moton Museum.

**NOW, THEREFORE IT IS PROCLAIMED**, by the Mayor and Town Council that the month of April be recognized as National Poetry Month in the Town of Farmville, Virginia, in honor of poets across America that share their talent with the world.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the Town of Farmville, Virginia to be affixed on this 8<sup>th</sup> day of April, in the year 2026.

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Brian R. Vincent, Mayor

Brian R. Vincent  
Mayor

Mary H. McKay  
Clerk of Council



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

Town of Farmville  
Town Council  
PUBLIC HEARING NOTICE

The Farmville Town Council will hold a public hearing on Wednesday, April 8, 2026, at 6:00 PM in the Council Chamber, located on the second floor of the Town Hall, 116 North Main Street, Farmville, Virginia, to receive public comment on the following items:

- **Ordinance No. 242 - Repealing Chapter 10 – Erosion and Sediment Control and Enacting Chapter 10 – Erosion and Stormwater Management Program to fulfill the Town regulating erosion, sediment control, and stormwater management in accordance with the regulations from the Virginia Erosion and Stormwater Management Program**
- **Ordinance No. 243 - Amending Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town**
- **Ordinance No. 244 - Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town**

The full texts of the proposed ordinances are available online at [www.farmvilleva.com](http://www.farmvilleva.com) or by contacting the Clerk of Council at (434) 392-9465.

The Farmville Town Council will consider the requests following the public hearings. Any person(s) wishing to comment on the above matters should plan to attend this meeting or submit written comments. Please email Mary McKay at [mmckay@farmvilleva.com](mailto:mmckay@farmvilleva.com) or mail written comments to PO Drawer 368, Farmville, VA 23901 to arrive by 4:00 PM on Wednesday, April 8, 2026.

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

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











# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 10.a. – Draft Minutes of the 2026-02-23 Special Meeting, 2026-03-04 Work Session, and the 2026-03-11 Regular Council Meeting

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**BACKGROUND:**

**RECOMMENDATION:** Accept the Consent Agenda as presented.

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. 2026-02-23 Special Meeting-DRAFT
2. 2026-03-04 Work Session-DRAFT
3. 2026-03-11 Regular Council Mtg-DRAFT

**SPECIAL MEETING OF THE FARMVILLE TOWN COUNCIL**  
**HELD ON FEBRUARY 23, 2026**

At a special meeting of the Farmville Town Council held on Wednesday, February 23, 2026, 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, Dan Dwyer, Tommy Pairet, Adam Yoelin, Donald Hunter, and John Hardy.

Staff present were Town Manager Scott Davis, Town Attorney Gary Elder, Fire Chief Daniel Clark, Police Chief Andy Ellington, Captain William Hogan, Deputy Clerk and IT Support Jacqueline Vaughan, and Clerk of Council Mary McKay.

Mayor Vincent called the special meeting to order.

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

**ADOPTION OF AGENDA**

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

**CONSIDERATION OF RESOLUTION NO. 2026-02-04 – CENSURE OF COUNCIL MEMBER HARDY**

Mr. Hunter made a motion to approve Resolution No. 2026-02-04, seconded by Mr. Dwyer, and with a recorded vote of Council member Amos “abstaining”, Council members Reid, Dwyer, Pairet, Yoelin, and Hunter voting “yes”, and Council member Hardy voting “no”, the motion passed.

Mrs. Amos provided a brief explanation of her position. She stated she believed this matter would have been better addressed privately between Dr. Davis, Councilman Hardy, Town Council, and the Mayor. Because of that and out of respect for the process and all the parties involved, she didn’t feel like it was appropriate to take a position for or against the censure.

Mr. Hunter added a statement explaining that there had been several conversations in reference to what had taken place with apology relayed and that more time was needed. He mentioned while he is willing to help, this seems a little different from an earlier conversation and reiterated his willingness to help.

**BACKGROUND:** Mayor Vincent read the proposed resolution and opened the floor for discussion.

Mr. Hardy provided the following comments:

“Thank you, Mr. Mayor, fellow Council members, citizens, and Town employees for the opportunity to speak. Truly sorry for my role in bringing us to this point tonight. I appreciate the Town Manager raising his concerns. I understand how my questions and comments may have seemed frustrating or undermining to him. I view this as an opportunity to improve, and I am committed to doing so. I regret repeating community rumors about the proposed 4-day work week in a manner that may have been insensitive or contributed to speculation. The request for salary information was brief and, in my view, reasonable. It was promptly redirected to the Town Manager who addressed it effectively. In the future, I will direct such requests through him from the outset. Regarding my observations during the waterline emergency, my intent was to serve as a responsible representative. As someone with insurance and risk management experience, I had concerns about potential safety risks and liability. Concerns I believed were in the Town's interest. I also forwarded citizen reports about seat belt use to public works and the Town Manager. I recognized that the charter prohibits directing Town employees and I do not feel that I did so. My inquiries were intended as information sharing and oversight, responsibilities I believe are appropriate for a Council member. I agree that citizens' concerns should be channeled through the Town Manager and I will do so moving forward. On oversight I believe asking questions in that capacity is within my role, but I am willing to consult the Town Attorney to confirm my understanding of the charter. While I accept that I could have handled certain matters differently, I respectfully disagree that my actions warrant a public censure, particularly when much of the discussion relies on hearsay and no effort was made to resolve this privately. This situation also points to a larger issue. Communication in Farmville can feel one-sided to many. Concerns from residents, business owners, or Council members often lead to division rather than dialogue. There is a perception that the Town's direction is shaped more by administration than by elected officials and citizen input. Citizens have told me that raising questions about Town hall practices frequently results in deflection or dismissal, leaving them unheard. We should seek to include those we represent, not exclude them. Our duty is to listen and serve, not merely to manage. A public censure at this stage would reinforce those frustrations rather than address them. Respectful, open discussion remains the better approach. As leaders, we have the chance to demonstrate that we can

address disagreements constructively without escalation. I acknowledge my own missteps and remain fully committed to the Town and its people. I hope this difficult moment can lead to greater understanding. I respectfully ask my fellow Council members to vote no on the motion. Thank you.”

RESOLUTION NO. 2026-02-04

WHEREAS, pursuant to Section 15.2-1400(D) of the Code of Virginia, and Section 2-24 of the Code of the Town of Farmville, the Farmville Town Council has the authority to discipline its members for engaging in disorderly behavior and misconduct; and,

WHEREAS, Councilman John Hardy has engaged in behavior that deviates from the behavior expected of individuals serving on Town Council, specifically by stating to employees of the Town of Farmville who are subordinates of the Town Manager that he wishes to see the Town Manager fired, and by providing specific job-related instructions to Town staff and employees, in direct violation of Article 4, Section 17 of the Charter of the Town of Farmville, which provides that “the mayor and members of the council shall deal with the administrative service solely through the town manager, and neither the council nor any member thereof shall give orders to any subordinate of the town manager, either publicly or privately”; and

WHEREAS, new Council members, including Councilman Hardy, have previously received education as to the manner of Town governance, including education specifically related to the duties of all members of Council with respect to communications with employees and staff of the Town of Farmville; and

WHEREAS, the actions undertaken by Councilman Hardy are such that they would serve to undermine the relationships and respect that exists between the employees of the Town of Farmville and the Town Manager of the Town of Farmville; and

WHEREAS, the actions undertaken by Councilman Hardy are such that they would serve to inhibit the Town Manager from successfully performing his assigned duties; and

WHEREAS, the Town Council is desirous of taking this action in order to protect the standing of the body in the community that it serves, amongst the general public, and amongst its highly regarded staff and employees;

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

1. That the conduct described above is inconsistent with that prescribed in Article 4, Section 17 of the Charter of the Town of Farmville.
2. That such conduct interferes with the orderly administration of Town operations and the council–manager form of government established by the Charter.

3. That the Town Council hereby formally censures Councilman John Hardy for conduct inconsistent with the Town Charter.
4. That Councilman Hardy is placed on notice that continued conduct inconsistent with the governance standards established by the Charter may result in further action as authorized by Virginia law and the Town Code.
5. That this Resolution shall become effective upon its adoption.

Adopted: \_\_\_\_\_

Certified: \_\_\_\_\_  
Clerk of Council

Mr. Pairet made a motion to adjourn, seconded by Mrs. Amos, with all stating “aye” in favor, the meeting adjourned at 6:11 PM.

APPROVED:

ATTEST:

\_\_\_\_\_  
Brian R. Vincent, Mayor

\_\_\_\_\_  
Mary H. McKay, Clerk of Council

**REGULAR WORK SESSION OF THE FARMVILLE TOWN COUNCIL**  
**HELD ON MARCH 4, 2026**

At the regular work session of the Farmville Town Council held on Wednesday, March 4, 2026, 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, Adam Yoelin, and Donald Hunter.

Staff present were Town Manager Scott Davis, Town Attorney Gary Elder, Chief of Police Andy Ellington, Captain William Hogan, Human Resources Manager Amanda Zirkle, Deputy Town Manager/Finance Director Julie Moore, Community Development Director Ashley Atkins-Austin, Fire Chief Daniel Clark, Deputy Clerk and IT Support Jacqueline Vaughan, and Clerk of Council Mary McKay.

Mayor Vincent called the work session to order, and all in attendance were welcomed.

The Clerk called the roll, noting Council members Tommy Pairet and John Hardy were absent.

**ADOPTION OF AGENDA**

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

**DECLARATION OF PERSONAL INTEREST**

There were no declarations of personal interest made.

**FINANCE REPORT**

Deputy Town Manager/Finance Director Julie Moore provided a review of the January 2026 finance report for the seventh month of the FY2026 budget.

- Total revenue across all funds is approximately \$28.7 million year to date compared to the annual total budget of \$44.6 million. Revenue appears ahead of the straight-line benchmark primarily due to the General Fund obligation bond issued in December 2025 and recorded in the financial system in January 2026. The budget also includes other sources such as planned use of prior-year funds and other transfers from reserve accounts which appear as revenue in the budget and do not represent current year operating revenue. When these timing items are considered, reoccurring revenue is tracking normally. The general revenue fund totals approximately \$23.8 million. Major revenue sources such as taxes, food and lodging, and permits continue to track generally in line with expectations.

- Total expenses across all funds are approximately \$17.6 million year to date, which remains below the seven-month benchmark of \$26 million for the budget. Overall spending remains within the expected levels. Some differences compared to prior year are related to capital one-time purchases such as: Public Safety - the prepayment for the new ladder truck; Fund 15 or Street Maintenance Fund - the Town pays VDOT for its portion of the Third Street paving; and the Sewer Fund - purchase of the UV treatment equipment. These payments were planned capital investments and do not indicate ongoing operational costs. Overall revenue and expenses tracked within expected ranges.

**DISCUSSION: SPLASHPAD BATHROOMS**

The Town Manager brought the topic back for discussion to see if the Council wants staff to move forward and put out to bid one of the options previously shared of the two prefabs or the stick-built option. He reported that the small building located near the park was determined to be more costly to consider. The amount currently set aside for the facility was noted as approximately \$300,000+. A brief discussion was held on the life expectancy of the splash park and the prefab or stick built options. It was pointed out that the long-term use of the property is in the recreation master plan. From previous meeting discussion, the lifespan for a prefab option was noted as approximately 20 years in comparison to the stick built having an estimated 40-year lifespan. The stick-built option was suggested as the best option for long term. Questions were asked if any upgrades were made to a similar facility in Alta Vista and for the square footage of their stick-built facility. Council members agreed to place the construction out to bid which will provide actual numbers based on a design already obtained.

**DISCUSSION: AMENDED AIRPORT LEASE AGREEMENT**

The Town Manager reported on an amended lease agreement provided in the meeting packet which is based upon discussion held after public comments were received from Morgan Dunnavant. The Town Manager and Town Attorney have both reviewed the changes. There was a brief report of the changes made which also were highlighted for Council's review:

- Page numbers were added at the bottom.
- *At the expiration or termination of this Lease, the Town and Lessee shall have thirty (30) days to re-negotiate the terms of an extension to this Lease.*
- *Lessee shall maintain liability insurance covering the improvements to the Parcel and shall name the Town as additional insured.*

An inquiry was made into whether the changes address what community members were interested in. The Town Manager explained that the changes were sent to Mr. Dunnivant and he is amenable. It was noted that a public hearing is not needed as the changes are more beneficial to the tenants.

**DISCUSSION: COUNCIL/MAYOR SALARY STUDY**

Town Manager Davis reported being asked at the end of the last meeting to reach out to surrounding localities of similar sizes and types to ask about Council pay. Human Resources Manager Zirkle gathered the requested information which was provided to the Council in the meeting packet. Council member Amos initiated the discussion to review whether the current stipend for serving on Town Council is still appropriate when compared to other jurisdictions and the position responsibilities. In review of the stipend structure, Mrs. Amos noted the current Council member annual salary of \$6,000, Vice-Mayor \$7,200, and Mayor \$9,000, noting that the figures are extremely low compared to the other area jurisdictions. A suggestion was made to set the Council salary closer to \$8,000 so it aligns more closely with Prince Edward with a goal of \$10,000 but increase as the election years come up. Discussion was held concerning the timing of increases in relation to election times. Town Attorney Elder quoted one code section 15.2-1414.7. Salaries of town council members and mayors. “Notwithstanding any provision of a charter of a town or any other law, a town council may establish the compensation to be paid to council members and the mayor. No increase in salary of a council member or mayor shall take effect during the incumbent council member’s or mayor's term in office; however, this restriction shall not apply to councils or mayors when the council members are elected for staggered terms...” He noted also that he hasn’t read the code in its entirety on the subject.

The question was asked of the Town Manager of when the last time Council members received a raise with the information not being known at this time. A brief discussion was held on the incremental increase in salary to reach a goal of \$10,000. Mention was made of the reductions in Council take-home pay due to the phasing out of the in-lieu-of health insurance benefit procedure in the last budget season. As not all Council members were in attendance, it was suggested the topic be placed back on the agenda at the next meeting for all Council members to review and discuss.

**DISCUSSION: HEALTH INSURANCE**

Town Manager Davis reported on the estimated health insurance costs for the next budget year starting on July 1, 2026. The Local Choice plan saw an increase this year for everyone in the

100+ allocation area with the Town's portion increasing by 7%. He spoke on the balance of providing employees with the benefit of health insurance and their salary. A review was provided of the available plans and the costs the Town pays for employees' health insurance. Council members were provided informational sheets with biweekly premiums and the new rates.

Ms. Moore provided a detailed review of the different scenarios of employer/employee costs based on the increase and what is proposed with an allocation breakdown of 25% (Single), 30% (Dual), and 35% (Family) for employees in the 250 plan which was noted as the more costly plan.

For the record, Town Manager Davis reported on the Town's current process:

**Key Advantage 250**

Single – Employer pays 92%, Employee pays 8%

Dual – Employer pays 74%, Employee pays 26%

Family – Employer pays 74%, Employee pays 26%

**Key Advantage 500**

Single – Employer pays 96%, Employee pays 4%

Dual - Employer pays 77%, Employee pays 23%

Family – Employer pays 77%, Employee pays 23%

Ms. Zirkle added information on the deductibles, out-of-pocket maximums, and a review of some of the coverage in the different plans.

The discussion will continue at next week's meeting.

**DISCUSSION: ECONOMIC INCENTIVE APPROPRIATIONS – NEW REQUIREMENTS**

Finance Director Moore reported on efforts to strengthen the Town's internal controls for the next fiscal year and a proposed process which would require non-profit organizations who seek funding from the Town to complete a form and submit audit documentation if the request is over \$25,000. The Town Council would make the final decision to give out money to a non-profit organization.

**TOWN MANAGER'S REPORT**

No additional report was offered.

**COMMENTS BY MAYOR AND TOWN COUNCIL**

Mr. Hunter asked when the Town last raised its food tax.

Mr. Yoelin asked for a status on the sidewalk study at next week's meeting.

Mayor Vincent mentioned looking forward to future discussion and how to move forward. He thanked all for their attendance and for those who tuned in online.

With no other business and on a motion by Mr. Hunter, seconded by Mr. Dwyer, with all stating “aye” in favor, the meeting adjourned at 6:55 PM.

APPROVED:

ATTEST:

\_\_\_\_\_  
Brian R. Vincent, Mayor

\_\_\_\_\_  
Mary H. McKay, Clerk of Council

DRAFT

**REGULAR MEETING OF THE FARMVILLE TOWN COUNCIL**  
**HELD ON MARCH 11, 2026**

At the regular meeting of the Farmville Town Council held on Wednesday, March 11, 2026, 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, Thomas Pairet, Adam Yoelin, Donald Hunter, and John Hardy.

Staff present were Town Manager C. Scott Davis, Town Attorney Gary Elder, Deputy Town Manager/Finance Director Julie Moore, Police Chief Andy Ellington, Captain William Hogan, Fire Chief Daniel Clark, Human Resources Manager Amanda Zirkle, Public Works Director Stephen Edwards, Deputy Clerk and IT Support Jacqueline Vaughan, and Clerk of Council Mary McKay.

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

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

An invocation was led by Mayor Vincent for anyone wishing to join in prayer. Vice-Mayor Reid led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Mr. Hunter asked if the discussion on Council salaries could be moved towards the end of the meeting. With the amended agenda, moving that discussion to the bottom of new business, Mr. Pairet made a motion to adopt the agenda, seconded by Mr. Reid, and with all stating “aye” in favor, the motion passed.

**DECLARATION OF PERSONAL INTEREST**

There were no declarations of personal interest made.

**PUBLIC COMMENT**

Doug Stanley, Prince Edward County Administrator, provided a report for March 2026, and highlighted several area topics including:

- Next Household Hazardous Cleanup Day to be held in 2027, possibly joining with the Town on the Spring Cleanup date.
- Efforts to receive reimbursement for the Sandy River Project and funding for the Mary E. Branch renovation project.

- 1300 quarts of venison soup to be distributed through FACES from efforts with a community project.
- County will be submitting a grant to the VA Business Ready Sites Program for a project at the business park, with a letter of support from the Town possibly being needed.
- Several projects were approved at the February 2026 IDA meeting including contracts to sell a two-acre site off Dominion Drive for a new Department of Corrections Probation and Parole office and a one-acre site off Dominion Drive to Mid-Atlantic Broadband for installation of fiber cabinets, and to lease a five+ acre site to Planet Network for expansion of their broadband project.
- The annual compaction report for the landfill has been completed with the remaining life of the currently licensed cell being approximately 9.8 years. There is available acreage to expand the permit.
- The renovation project at the Prince Edward Elementary School should be completed in spring 2027.
- Additional updates were provided on the Kinex/Planet Network Broadband project, Worsham Convenience Site, Rt. 307 Lighting Project, Public Safety Radio System Project, a proposed Remote Area Medical (RAM) clinic, and the recently completed Prince Edward County Comprehensive Plan.

Rick Ewing, Farmville-Prince Edward Library Director, addressed the Council to request funding to add a part-time Youth Services Specialist position due to the growing participation in the library's programs. Mr. Ewing reported that Prince Edward County has been asked to pay for most of the position funding as there are more county residents using the library system. He concluded his comments by reading a note received from the elementary school librarian acknowledging the library's partnership with the school. The request was noted as approximately \$7,200, for the portion being requested from the Town with the Town Manager reporting the amount being added to the proposed budget for consideration.

With no one else signed up to provide comments, Mayor Vincent closed the Public Comment period.

### **CONSENT AGENDA**

Mr. Reid made a motion to accept the Consent Agenda as presented, seconded by Mr. Dwyer, and with all stating "aye" in favor, the motion passed. The Consent Agenda included the

draft minutes of the January 21, 2026, Joint Meeting of Farmville Town Council and Farmville Planning Commission, February 4, 2026, Work Session, and the February 11, 2026, Regular Council Meeting.

**FINANCE REPORT**

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

**BACKGROUND:** Finance Director Julie Moore reported on the February 2026 Finance Report and reviewed the amounts of earned income:

- Virginia Investment Pool (VIP) – \$11,251;
- Benchmark Community Bank sweep accounts - \$3,418;
- Local Government Investment Pool (LGIP) – \$23,659;
- SNAP accounts - \$38,633;
- Total earned for February - \$76,961.

Ms. Moore provided a response to a public comment made by a community member at a recent meeting where it was stated that the budget included transfers from the Water and Sewer Fund to the General Fund, despite claims that no transfers were made. She emphasized the transparency in her work and clarified that, under Governmental Accounting Standards Board (GASB), a transfer means giving money to another fund without receiving anything in return, while these transactions were reimbursements for services within departments.

**REQUEST APPROVAL OF RESOLUTION NO. 2026-03-02 – AMENDING APPROVED FARMVILLE REGIONAL AIRPORT LAND LEASE AGREEMENT**

Mr. Hardy made a motion to adopt Resolution No. 2026-03-02 – Amending Approved Farmville Regional Airport Land Lease Agreement, seconded by Mr. Hunter, and with a recorded vote of Council members Amos, Reid, Dwyer, Pairet, Yoelin, Hunter, and Hardy voting “yes”, the motion passed.

**BACKGROUND:** After input was received during the public comment period at the February 11, 2026, Regular Meeting, discussion was held about changes being made to the approved lease. There was a consensus from the Council to bring back an amended lease for consideration. Proposed revisions were reviewed at the March 4, 2026, Work Session:

*At the expiration or termination of this Lease, the Town and Lessee shall have thirty (30) days to re-negotiate the terms of an extension to this Lease.*

*Lessee shall maintain liability insurance covering the improvements to the Parcel and shall name the Town as additional insured.*

Page numbers were added.

**Resolution # 2026-03-02**

**Amending Approved Farmville Regional Airport Land Lease Agreement**

WHEREAS, the Town Council held the required public hearing on the Farmville Regional Airport Land Lease Agreement and approved said agreement on December 10, 2025; and

WHEREAS, the Town Council heard from tenants after the approved lease that there needed to be additional changes in favor of the tenant; and

WHEREAS, the Town Council has incorporated requested changes into the lease agreement to amend the lease approved on December 10, 2025, and this agreement being heard is the final version of the Farmville Airport Land Lease Agreement with said agreement being attached to this Resolution; and

WHEREAS, the Town Council has thoroughly reviewed and discussed such Lease;

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

- 1. The Farmville Regional Airport Land Lease is hereby approved and adopted.
- 2. This resolution shall be in full force and effect on March 11, 2026.

Approved:

\_\_\_\_\_

Mayor

Attest: \_\_\_\_\_  
Clerk of Council

\*\*\*\*\*

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable A.D. “Chuckie” Reid: \_\_\_\_\_.

The Honorable Sallie O. Amos \_\_\_\_\_.

The Honorable Daniel E. Dwyer \_\_\_\_\_.

The Honorable Tommy Pairet \_\_\_\_\_.

The Honorable Adam Yoelin \_\_\_\_\_.

The Honorable Donald L. Hunter \_\_\_\_\_.

The Honorable John Hardy \_\_\_\_\_.

**DISCUSSION: HEALTH INSURANCE**

Council members were provided with information on the upcoming health insurance rates at the March 4, 2026 Work Session for review. There also were some one-on-one meetings with the Town Manager and Finance Director for additional review. Verification was made with the Human Resources Manager of the April 1 deadline to have all plan selections with percentages to Local Choice.

Mr. Yoelin asked that an announcement be made that the Human Resources Manager is available to answer any questions for those employees affected by the health insurance rate increase.

Mr. Pairet made a motion that the Town Manager build a proposed budget using a Meals Tax increase from 7% to 8%, a Lodging Tax from 7% to 8%, and have a public hearing in April, incorporating the full proposed pay plan, a 3% salary increase for all employees except Directors, a 2% salary increase for all Directors, and move forward with a suggested health plan of the Key Advantage 250 increase, and the Key Advantage 500 Plan with a split of 7% increase, seconded by Mr. Yoelin, with additional discussion held and a recorded vote of Council members Reid, Dwyer, Pairet, Yoelin, Hunter, Hardy, and Amos voting “yes”, the motion passed.

Clarification was made that the 3% salary increase was for all full-time employees except Directors.

**REQUEST APPROVAL OF RESOLUTION NO. 2026-03-01 – ESTABLISHING FINANCIAL REPORTING REQUIREMENTS FOR NONPROFIT ORGANIZATIONS REQUESTING APPROPRIATIONS FROM THE TOWN**

Mr. Hunter made a motion to approve Resolution No. 2026-03-01 – establishing financial reporting requirements for nonprofit organizations requesting appropriations from the Town, seconded by Mr. Reid, and with a recorded vote of Council members Dwyer, Pairet, Yoelin, Hunter, Hardy, Amos, and Reid voting “yes”, the motion passed.

**BACKGROUND:** The Town of Farmville periodically receives funding requests from nonprofit organizations seeking appropriations from the Town. As the steward of public funds, the Town has the responsibility to ensure that taxpayer dollars are distributed in a fiscally responsible manner and that recipient organizations demonstrate sound financial management practices and appropriate internal controls. Finance Director Julie Moore provided a review of the proposed reporting requirements which would take effect the following budget year. A brief discussion was held on whether to mandate the reporting requirements with the Council making final decision to fulfill the funding request.

**Resolution No. 2026-03-01**

**Establishing Financial Reporting Requirements for Nonprofit Organizations Requesting Appropriations from the Town of Farmville**

**BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF FARMVILLE:**

In order to ensure responsible stewardship of public funds and promote financial transparency and accountability, the Town Council hereby establishes financial reporting requirements for nonprofit organizations requesting appropriations from the Town.

Nonprofit organizations requesting an appropriation of \$25,000 or more from the Town of Farmville shall submit a copy of their most recent independent financial audit as part of their funding request.

Nonprofit organizations requesting less than \$25,000 shall submit a copy of their most recent financial review, if available, and/or their most recent IRS Form 990.

All required documentation shall reflect the organization’s most recently completed fiscal year and must be submitted prior to consideration of the funding request by the Town Council.

The Town Manager and Finance Director are authorized to implement and administer these requirements in connection with all nonprofit funding requests.

This resolution shall be in full force and effect upon its approval.

Approved:

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

- The Honorable A.D. “Chuckie” Reid: \_\_\_\_\_.
- The Honorable Sallie O. Amos: \_\_\_\_\_.
- The Honorable Daniel E. Dwyer: \_\_\_\_\_.
- The Honorable Tommy Pairet: \_\_\_\_\_.
- The Honorable John F. Hardy: \_\_\_\_\_.
- The Honorable Donald L. Hunter: \_\_\_\_\_.
- The Honorable Adam Yoelin: \_\_\_\_\_.

**REQUEST APPROVAL OF RESOLUTION NO. 2026-03-03 – RENEWAL OF CABLE FRANCHISE AGREEMENT WITH SHENTEL**

Mr. Dwyer made a motion to approve Resolution No. 2026-03-03 – Renewal of Cable Franchise Agreement with Shentel, seconded by Mr. Yoelin, and with a recorded vote of Council members Pairet, Yoelin, Hunter, Hardy, Amos, Reid, and Dwyer voting “yes”, the motion passed.

**RESOLUTION NO. 2026-03-03**

**Resolution of the Town of Farmville, VA  
Approving the Renewal and Amendment of the Cable Television Franchise**

**WHEREAS**, Shenandoah Cable Television, LLC (“Franchisee”) owns, operates and maintains a cable television system (“System”) serving the Town of Farmville, VA, pursuant to a franchise agreement which expired January 9, 2026 (the “Franchise”) issued by the Town of Farmville, VA (the “Franchise Authority”), and Franchisee is the duly authorized holder of the Franchise; and

**WHEREAS**, Franchisee and Franchise Authority have continued to follow and be bound by the Franchise; and

**WHEREAS**, Franchisee has requested the consent of the Franchise Authority for the renewal of the Franchise in accordance with the requirements of the Franchise and applicable law; and

**WHEREAS**, Franchisee has represented that it will comply with the terms and conditions of the Franchise; and

**WHEREAS**, the Franchise Authority believes that it is in the best interest of the community to approve the renewal and amendment of the Franchise granted to Franchisee.

**NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:**

1. The Franchise Authority hereby approves and consents to the renewal for a term of fifteen (15) years of the Franchise, all in accordance with the terms of the Franchise and applicable law and Franchisee shall comply with the terms and conditions of the Franchise.
2. The Franchise Authority confirms that the renewal term of the Franchise shall be for a term of fifteen (15) years deemed to commence upon January 10, 2026, and ending on January 10, 2041.
3. The Franchise Authority agrees that the pledge of, or grant of a security interest in, the Franchise to any lender(s) of Shenandoah Cable Television, LLC or its affiliates, for the purpose of securing indebtedness, shall not require the consent of the Franchise Authority and is hereby authorized.
4. This Resolution shall have the force of a continuing agreement with Franchisee, and Franchising Authority shall not revoke, amend or otherwise alter this Resolution without the consent of Franchisee.

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

Clerk of Council

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I certify that the above resolution was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable A.D. "Chuckie" Reid: \_\_\_\_\_.

The Honorable Sallie O. Amos \_\_\_\_\_.

The Honorable Daniel E. Dwyer \_\_\_\_\_.

The Honorable Tommy Pairet \_\_\_\_\_.

The Honorable John F. Hardy \_\_\_\_\_.

The Honorable Donald L. Hunter \_\_\_\_\_.

The Honorable Adam Yoelin \_\_\_\_\_.

**DISCUSSION: COUNCIL/MAYOR SALARY STUDY**

Discussion also was held at the last week’s work session to review whether the current stipend for serving on Farmville Town Council is still appropriate when compared to other jurisdictions. With all Council members present at this meeting, the discussion continued on the suggestion made to raise the Council salary to \$8,000 then to \$10,000 the following year and as it relates to the phasing out of the in-lieu-of health insurance benefit procedure.

Mr. Pairet made a motion to leave it [the Council/Mayor Salary] exactly like it is and move forward, seconded by Mr. Yoelin, and with a recorded vote of Council members Yoelin, Hunter, Hardy, Reid, Dwyer, and Pairet voting “yes”, and Council member Amos voting “no”, the motion passed.

**TOWN MANAGER’S REPORT**

Town Manager Davis asked Public Works Director Edwards to provide updates on the sidewalk study, High Street pump station, and Venable Street storm structure.

- Staff met with TRC yesterday and inspections have started at the High Street pump station.

- All of the sidewalk assessment data has been collected by Hurt & Proffitt, and staff are currently waiting for a report.
- There is a meeting scheduled for Friday with TRC to discuss the inspection that started on the Venable Street project.

The Town Manager provided a few updates:

- The fixed base operator (FBO) bid is due on March 25, 2026.
- The paving bid is due on March 18, 2026. A reminder was provided of the streets to be paved before June 2026: Ford Street, Greenhouse Road, Milnwood Road, part of Price Drive, part of Scott Drive, Spotswood Drive, Alley Court, Barrow Street, Beverly Court, Cabell's Court, Fifth Avenue, Fourth Avenue, Jesse's Way, Lee Drive Extended, Russell's Way, Sanford Street, 7th Avenue, and 6th Avenue.
- The schematic design for the fire station should be completed by the end of March with construction documents by mid-August. Construction should begin by September 11, 2026, with a completion date by February 2028.

**COMMENTS BY MAYOR AND TOWN COUNCIL**

Mr. Yoelin suggested a method going forward for the way votes are taken with the Council. From the first person who voted in the last called vote, have the Clerk at the next meeting start with the next person seated on the dais which would allow the voting to start with a different Council member at every meeting. A brief discussion was held with Council members in agreement of the method.

Mayor Vincent provided comments about the warm weather for recreation and for everyone to remind themselves that we live in a beautiful community.

There being no other business and on a motion by Mr. Hardy, seconded by Mr. Yoelin, with all stating "aye" in favor, the meeting adjourned at 7:17 PM.

APPROVED:

ATTEST:

\_\_\_\_\_  
Brian R. Vincent, Mayor

\_\_\_\_\_  
Mary H. McKay, Clerk of Council



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 12.a. – Request Adoption of Ordinance No. 242 - Repealing Chapter 10 – Erosion and Sediment Control and Enacting Chapter 10 – Erosion and Stormwater Management Program to fulfill the Town regulating erosion, sediment control, and stormwater management in accordance with the regulations from the Virginia Erosion and Stormwater Management Program

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**BACKGROUND:** The proposed ordinance would allow the Town to manage its own stormwater permitting process. The erosion and sediment control is already handled by the Town.

A Public Hearing is scheduled for April 8, 2026.

**RECOMMENDATION:** Adopt Ordinance No. 242

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. Ordinance No. 242 - Erosion and Stormwater Management Program

**ORDINANCE NO. 242**

**Repealing Chapter 10 – Erosion and Sediment Control and Enacting Chapter 10 – Erosion and Stormwater Management Program to fulfill the Town regulating erosion, sediment control, and stormwater management in accordance with the regulations from the Virginia Erosion and Stormwater Management Program**

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. The repeal of Chapter 10 – Erosion and Sediment Control of the Town of Farmville Town Code be repealed as follows:

**~~Chapter 10 EROSION AND SEDIMENT CONTROL~~**

**~~Sec. 10-1. Title, purpose, and authority.~~**

~~(a) — This chapter shall be known as the 'Erosion and Sediment Control Ordinance of Farmville, Virginia.' The purpose of this chapter 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 chapter is authorized by § 62.1-44.15:54 of the Code of Virginia.  
(Ord. No. 237, § 2, 10-9-2024)~~

**~~Sec. 10-2. Definitions.~~**

~~The following words and terms, when used in this chapter, 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 (FDCCD) and the owner that specifies conservation measures that must be implemented to comply with the requirements of this chapter 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 (5) percent; this contract may be executed by the FDCCD 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 (1) 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 (1) 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 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.*

*"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 chapter, "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 one hundred (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 chapter 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 (1) 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 (1) 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 chapter 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.*

*(Ord. No. 237, § 2, 10-9-2024)*

***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).*

*(1) — 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.*

*(2) — 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.)*

*(3) — The town hereby designates FDCCD as the VESCP plan-approving authority.*

*(4) — The program and regulations provided for in this chapter shall be made available for public inspection at the office of the FDCCD.*

*(Ord. No. 237, § 2, 10-9-2024)*

***Sec. 10-4. Regulated land-disturbing activities.***

*(a) — Land-disturbing activities that meet one (1) of the criteria below are regulated as follows:*

*(1) — Land-disturbing activity that disturbs five thousand (5,000) square feet or more, is less than one (1) 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 two thousand five hundred (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.*

*(Ord. No. 237, § 2, 10-9-2024)*

***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 five thousand (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 (7) days of commencing the land-disturbing activity, and compliance with the administrative requirements of sections 10-6, 10-7 and 10-8 of this chapter are required within thirty (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.*
- (Ord. No. 237, § 2, 10-9-2024)*

***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 FDCCD an erosion and sediment control plan for the regulated land-disturbing activity and such plan has been approved by the FDCCD. 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 (5) 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 chapter 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 sixty (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 chapter. 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 chapter.~~

~~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 chapter.~~

~~(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 forty five (45) days. The notice 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.~~

~~(e) — The FDCD shall act on any erosion and sediment control plan that has been previously disapproved within forty five (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 chapter, 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 ten (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 sixty (60) days after receipt in which to act on standards and specifications submitted to it or resubmitted to it for approval. (Ord. No. 237, § 2, 10-9-2024)*

***Sec. 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 five thousand (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 chapter if the total land-disturbing activity in the development is equal to or greater than ten thousand (10,000) square feet.~~

~~(Ord. No. 237, § 2, 10-9-2024)~~

**~~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 chapter), 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 twenty five (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 sixty (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.*

*(Ord. No. 237, § 2, 10-9-2024)*

***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 chapter, 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 chapter.*

*(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 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.*

~~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 chapter. 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 (7) 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 (7) 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 chapter or other applicable laws.~~

~~(Ord. No. 237, § 2, 10-9-2024)~~

***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 chapter shall, upon a finding of a court of competent jurisdiction, be assessed a civil penalty. The civil penalty for any one (1) violation shall be not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), 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 ten thousand dollars (\$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 ten thousand dollars (\$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 (15) 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 chapter, 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 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.*

*(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 chapter, 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 chapter.*

***(Ord. No. 237, § 2, 10-9-2024)Sec. 10-11. Appeals and judicial review.***

*(a) — Final decisions of the town under this chapter shall be subject to review by the Circuit Court of Prince Edward County or Cumberland County, 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. 237, § 2, 10-9-2024)~~

2. Enact Chapter 10 – Erosion and Stormwater Management Program of the Town of Farmville Town Code as follows:

### **Chapter 10 - EROSION AND STORMWATER MANAGEMENT PROGRAM**

*Pursuant to § 62.1-44.15:27 of the Code of Virginia, this chapter is adopted as part of an initiative to integrate the Town of Farmville stormwater management requirements with the Town of Farmville Erosion and Sediment Control Requirements into a consolidated erosion and stormwater management program. The erosion and stormwater management program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities for land-disturbing activities into a more convenient and efficient manner for both the Town of Farmville and those responsible for compliance with these programs.*

#### **Sec. 10-1. - Title, Purpose, and Authority.**

- A. *This chapter shall be known as the “Erosion and Stormwater Management Ordinance of the Town of Farmville.”*
- B. *The purpose of this chapter is to ensure the general health, safety, and welfare of the citizens of the Town of Farmville, protect the quality and quantity of state waters from the potential harm of unmanaged stormwater and soil erosion, including protection from a land disturbing activity causing unreasonable degradation of properties, water quality, stream channels, and other natural resources, and to establish procedures whereby stormwater requirements related to water quality and quantity shall be administered and enforced.*
- C. *This chapter is authorized by § 62.1-44.15:27 of the Code of Virginia.*

#### **Sec. 10-2. - Definitions.**

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

*“Adequate channel” means a channel that will convey the designated frequency storm event without overtopping the channel bank nor causing erosive damage to the channel bed or banks.*

*“Agreement in lieu of a plan” means a contract between the Town of Farmville Director or Public Works or designee and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of the VESMA and this chapter 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; such contract may be executed by the Town of Farmville Director of Public Works or a designee in lieu of a soil erosion control and stormwater management plan.*

*“Applicant” means person submitting a soil erosion control and stormwater management plan to a VESMP authority for approval to obtain authorization to commence a land-disturbing activity.*

*“Best management practice” or “BMP” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface waters and groundwater systems.*

*“Nonproprietary best management practice” means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are in the public domain and are not protected by trademark or patent or copyright.*

*“Proprietary best management practice” means both structural and nonstructural practices to prevent or reduce the pollution of surface waters and groundwater systems that are privately owned and controlled and may be protected by trademark or patent or copyright.*

*“Board” means the State Water Control Board.*

*“Causeway” means a temporary structural span constructed across a flowing watercourse or wetland to allow construction traffic to access the area without causing erosion damage.*

*“CFR” means the Code of Federal Regulations.*

*“Channel” means a natural stream or manmade waterway.*

*“Clean Water Act” or “CWA” means the federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions. This definition includes all applicable regulations published in the Code of Federal Regulations promulgated thereunder.*

*“Cofferdam” means a watertight, temporary structure in a river, lake, etc., for keeping the water from an enclosed area that has been pumped dry so that bridge foundations, dams, etc., may be constructed.*

*“Common plan of development or sale” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.*

*“Construction activity” means any clearing, grading, or excavation associated with large construction activity or associated with small construction activity.*

*“Control measure” means any BMP, stormwater facility, or other method used to minimize the discharge of pollutants to state or Town waters.*

*“Dam” means a barrier to confine or raise water for storage or diversion, to create a hydraulic head, to prevent gully erosion, or to retain soil, rock, or other debris.*

*“Denuded” means a term applied to land that has been physically disturbed and no longer supports vegetative cover.*

*“Department” means the Virginia Department of Environmental Quality.*

*“Development” means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures or the clearing of land for nonagricultural or nonsilvicultural purposes. The regulation of discharges from development, for purposes of stormwater management, does not include the exclusions found in 9VAC25-875-860 of the Virginia Stormwater Management Regulations.*

*“Dike” means an earthen embankment constructed to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; levee.*

*“Discharge” when used without qualification, means the discharge of a pollutant.*

*“Discharge of a pollutant” means:*

*(A) Any addition of any pollutant or combination of pollutants to state waters from any point source; or*

*(B) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into surface waters from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any indirect discharger.*

*“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 of the Code of Virginia.*

*“Diversion” means a channel with a supporting ridge on the lower side constructed across or at the bottom of a slope for the purpose of intercepting surface runoff.*

*“Dormant” means denuded land that is not actively being brought to a desired grade or condition.*

*“Drainage area” means a land area, water area, or both from which runoff flows to a common point.*

*“Energy dissipator” means a nonerodable structure which reduces the velocity of concentrated flow to reduce its erosive effects.*

*“Environmental Protection Agency” or “EPA” means the United States Environmental Protection Agency.*

*“Erosion and sediment control 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 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.*

*“ESC” means erosion and sediment control.*

*“ESM plan” means a soil erosion control and stormwater management plan, commonly referred to as the erosion control and stormwater management plan.*

*“Farm building or structure” means the following:*

*(A) A building or structure not used for residential purposes, located on property where farming operations take place and used primarily for any of the following uses or combination thereof:*

- (1) Storage, handling, production, display, sampling, or sale of agricultural, horticultural, floricultural, or silvicultural products produced in the farm;*
- (2) Sheltering, raising, handling, processing, or sale of agricultural animals or agricultural animal products;*
- (3) Business or office uses relating to the farm operations;*
- (4) Use of farm machinery or equipment or maintenance or storage of vehicles, machinery, or equipment on the farm;*
- (5) Storage or use of supplies and materials used on the farm; or*

*(6) Implementation of best management practices associated with farm operations.*

*(B) Any building or structure used for agritourism activity, and any related impervious services including roads, driveways, and parking areas.*

*(1) For the purposes of this Section, “Agritourism Activity” is defined as any activity carried out on a farm or ranch that allows member of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.*

*“Flood fringe” means the portion of the floodplain outside the floodway that is usually covered with water from the 100-year flood or storm event. This includes the flood or floodway fringe designated by the Federal Emergency Management Agency.*

*“Flooding” means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.*

*“Floodplain” means the area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes the floodplain designated by the Federal Emergency Management Agency.*

*“Flood-prone area” means the component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.*

*“Floodway” means the channel of a river or other watercourse and the adjacent land areas, usually associated with flowing water, that must be reserved in order to discharge the 100-year flood or storm event without cumulatively increasing the water surface elevation more than one foot. This includes the floodway designated by the Federal Emergency Management Agency.*

*“Flume” means a constructed device lined with erosion-resistant materials intended to convey water on steep grades.*

*“General permit” means a permit authorizing a category of discharges under the CWA and the VESMA within a geographical area.*

*“Hydrologic Unit Code” or “HUC” means a watershed unit established in the most recent version of Virginia’s 6th Order National Watershed Boundary Dataset unless specifically identified as another order.*

*“Impervious cover” means a surface composed of material that significantly impedes or prevents natural infiltration of water into soil.*

*“Incorporated place” means a city, town, township, or village that is incorporated under the Code of Virginia.*

*“Inspection” means an on-site review of the project’s compliance with any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation or enforcement of the VESMA and applicable regulations.*

*“Karst area” means any land area predominantly underlain at the surface or shallow subsurface limestone, dolomite, or other soluble bedrock regardless of any obvious surface karst features.*

*“Karst features” means sinkholes, sinking and losing streams, caves, large flow springs, and other such landscape features found in karst areas.*

*“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 construction activity such as the clearing, grading, excavating, or filling of land.*

*“Land-disturbance approval” means an approval allowing a land-disturbing activity to commence issued by (i) the VESMP authority after the requirements of § 62.1-44.15:34 of the Code of Virginia have been met or (ii) a Virginia Erosion and Sediment Control Program Authority after the requirements of § 62.1-44.15:55 have been met.*

*“Large construction activity” means construction activity including clearing, grading, and excavation, except operations that result in the disturbance of less than five acres of total land area. Large construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.*

*“Linear development project” means a land-disturbing activity that is linear in nature such as, but not limited to the following: (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of railroad company; (iii) highway construction projects; (iv) construction of stormwater channels and stream restoration activities; and (v) water and sewer lines. Private subdivision roads or streets shall not be considered linear development projects.*

*“Live watercourse” means a definite channel with bed and banks within which concentrated water flows continuously.*

*“Locality” means Town of Farmville.*

*“Localized flooding” means smaller scale flooding that may occur outside of a stormwater conveyance system. This may include high water, ponding, or standing water from stormwater runoff, which is likely to cause property damage or unsafe conditions.*

*“Main channel” means the portion of the stormwater conveyance system that contains the base flow and small frequent storm events.*

*“Minimize” means to reduce or eliminate the discharge of pollutants to the extent achievable using stormwater controls that are technologically available and economically practicable.*

*“Minor modification” means modifications and amendments not requiring extensive review and evaluation including changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.*

*“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 bank full storm event within its banks and allows larger flows to access its bank full bench and its floodplain.*

*“Natural stream” means a tidal or nontidal watercourse that is part of the natural topography. It usually maintains a continuous or seasonal flow during the year and is characterized as being irregular in cross-section with a meandering course. Constructed channels such as drainage ditches or swales shall not be considered natural streams; however, channels designed utilizing natural channel design concepts may be considered natural streams.*

*“Nonerodible” means a material, e.g., riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces.*

*“Nonpoint source pollution” means pollution such as sediment, nitrogen, phosphorous, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.*

*“Operator” means the owner or operator of any facility or activity subject to the VESMA and this chapter. In the context of stormwater associated with a large or small construction activity, operator means any person associated with a construction project that meets either of the following two criteria: (i) the person has direct operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or (ii) the person has day-to-day operational control of those activities at a project that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit or VESMP authority permit conditions (i.e., they are authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or comply with other permit conditions).*

*“Owner” means the Commonwealth, or any of its political subdivisions, including but not limited to sanitations district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individual or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5 of the Code of Virginia.*

*(A) For a regulated land-disturbing activity that does not require a permit, “owner” also means 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.*

*“Permit” means a VPDES permit issued by the department pursuant to § 62.1-44.15 of the Code of Virginia for stormwater discharges from a land-disturbing activity.*

*“Permittee” means the person to whom the permit is issued.*

*“Person” means any individual, partnership, corporation, association, governmental body, municipal corporation, or any other legal entity.*

*“Point of discharge” means a location at which concentrated stormwater runoff is released.*

*“Point source” means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or maybe discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.*

*“Pollutant discharge” means the average amount of a particular pollutant measured in pounds per year or other standard reportable unit as appropriate, delivered by stormwater runoff.*

*“Pollution” means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters: (a) harmful or detrimental or injurious to the public health, safety, or welfare, or to the health of animals, fish or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial,*

*agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the State Water Control Board, are “pollution” for the terms and purposes of this chapter.*

*“Post-development” refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.*

*“Predevelopment” refers to the conditions that exist at the time that plans for the land-disturbing activity are submitted to the VESMP authority. Where phased development or plan approval occurs (preliminary grading, demolition of existing structures, roads and utilities, etc.), the existing conditions at the time prior to the commencement of land-disturbing activity shall establish predevelopment conditions.*

*“Prior developed lands” means land that has been previously utilized for residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures, and that will have the impervious areas associated with those uses altered during a land-disturbing activity.*

*“Qualified personnel” means a person knowledgeable in the principles and practices of erosion and sediment and stormwater management controls who possesses the skills to assess conditions at the construction site for the operator that could impact stormwater quality and quantity and to assess the effectiveness of any sediment and erosion control measures or stormwater management facilities selected to control the quality and quantity of stormwater discharges from the construction activity.*

*“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 or ESM 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, ESM plan, or permit as defined in this chapter as a prerequisite for engaging in land disturbance.*

*“Runoff” or “stormwater runoff” means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.*

*“Runoff characteristics” includes maximum velocity, peak flow rate, volume, and flow duration.*

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

*“Sediment basin” means a temporary impoundment built to retain sediment and debris with a controlled stormwater release structure.*

*“Sediment trap” means a temporary impoundment built to retain sediment and debris which is formed by constructing an earthen embankment with a stone outlet.*

*“Sheet flow” (also called overland flow) means shallow, unconcentrated, and irregular flow down a slope. The length of strip for overland flow usually does not exceed 200 feet under natural conditions.*

*“Shoreline erosion control project” means an erosion control project approved by local wetlands boards, the Virginia Marine Resources Commission, the department, or the United States Army Corps of Engineers and located on tidal waters and within nonvegetated or vegetated wetlands as defined in Title 28.2 of the Code of Virginia.*

*“Site” means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channel ward of mean low water in tidal Virginia shall not be considered part of a site.*

*“Site hydrology” means the movement of water on, across, through, and off the site as determined by parameters including soil types, soil permeability, vegetative cover, seasonal water tables, slopes, landcover, and impervious cover.*

*“Slope drain” means tubing or conduit made of nonerosive material extending from the top to the bottom of a cut or fill slope with an energy dissipator at the outlet end.*

*“Small construction activity” means:*

- (A) Construction activities including clearing, grading, and excavating that results in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. The department may waive the otherwise applicable requirements in a general permit for a stormwater discharge from construction activities that disturb less than five acres where stormwater controls are not needed based on an approved “total maximum daily load” (TMDL) that addresses the pollutants of concern or, for nonimpaired waters that do not require TMDLs, an equivalent analysis that determines allocations for small construction sites for the pollutants of concern or that determines that such allocations are not needed to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of this subdivision, the pollutants of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity, or siltation) and any*

*other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. The operator shall certify to the department that the construction activity will take place, and stormwater discharges will occur, within the drainage area addressed by the TMDL provide an equivalent analysis. As of the start date in Table 1 of 9VAC25-31-1020, all certifications submitted in support of the waiver shall be submitted electronically by the owner or operator to the department in compliance with this subdivision and 40 CFR Part 3 (including, in all cases, 40 CFR Part 3 Subpart D), 9VAC25-875-940, and Part XI (9VAC25-31-950 et seq.) of the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation. Part XI of 9VAC25-31 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of Part XI of 9VAC25-31, permittees may be required to report electronically if specified by a particular permit.*

*(B) Any other construction activity designated by either the department or the EPA regional administrator, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to surface waters.*

*“Soil erosion” means the movement of soil by wind or water into state waters or onto lands in the commonwealth.*

*“Soil erosion control and stormwater management plan,” commonly referred to as the erosion control and stormwater management plan, or “ESM plan” means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to the VESMA. The ESM plan may consist of aspects of the erosion and sediment control plan and the stormwater management plan as each is described in this chapter.*

*“Stabilized” means land that has been treated to withstand normal exposure to natural forces without incurring erosion damage.*

*“State” means the Commonwealth of Virginia.*

*“State application” or “application” means the standard form or forms, including any additions, revisions, or modifications to the forms, approved by the administrator and the department for applying for a permit.*

*“State Water Control Law” means Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.*

*“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.*

*“Storm sewer inlet” means a structure through which stormwater is introduced into an underground conveyance system.*

*“Stormwater,” for the purposes of the VESMA, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snowmelt runoff, and surface runoff and drainage.*

*“Stormwater conveyance system” means a combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity. This includes:*

- (A) “Manmade stormwater conveyance system” means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;*
- (B) “Natural stormwater conveyance system” means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or*
- (C) “Restored stormwater conveyance system” means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.*

*“Stormwater detention” means the process of temporarily impounding runoff and discharging it through a hydraulic outlet structure to a downstream conveyance system.*

*“Stormwater management facility” means a control measure that controls stormwater runoff and changes the characteristics of that runoff including the quantity and quality, the period of release or the velocity of flow.*

*“Stormwater management plan” means a document containing material describing methods for complying with the requirements of the VESMP.*

*“Stormwater Pollution Prevention Plan” or “SWPPP” means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges. A SWPPP required under the VESMP for construction activities shall identify and require the implementation of control measures and shall include or incorporate by reference an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.*

*“Subdivision” means the same as defined in the Town of Farmville subdivision ordinance.*

*“Surface waters” means:*

- (A) All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide;*

- (B) All interstate waters, including interstate wetlands;*
- (C) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:*
- (1) That are or could be used by interstate or foreign travelers for recreational or other purposes;*
  - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or*
  - (3) That are used or could be used for industrial purposes by industries in interstate commerce;*
- (D) All impoundments of waters otherwise defined as surface waters under this definition;*
- (E) Tributaries of waters identified in subdivisions (A) through (D) of this definition;*
- (F) The territorial sea; and*
- (G) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subdivisions (1) through (6) of this definition.*
- (H) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA and the law, are not surface waters. Surface waters do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other agency, for the purposes of the CWA, the final authority regarding the CWA jurisdiction remains with the EPA.*

*“SWM” means stormwater management.*

*“Temporary vehicular stream crossing” means a temporary nonerodible structural span installed across a flowing watercourse for use by construction traffic. Structures may include bridges, round pipes or pipe arches constructed on or through nonerodible material.*

*“Total maximum daily load” or “TMDL” means the sum of the individual waste load allocations for point sources, load allocations (LAs) for nonpoint sources, natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.*

*“Town” means the incorporated Town of Farmville.*

*“Virginia Erosion and Stormwater Management Act” or “VESMA” means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1, State Water Control Law, of Title 62.1 of the Code of Virginia.*

*“Virginia Erosion and Stormwater Management Program” or “VESMP” means a program established by the VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of the VESMA.*

*“Virginia Erosion and Stormwater Management Program Authority” or “VESMP authority” means the Town of Farmville’s Director of Public Works approved by the department to operate the VESMP.*

*“Virginia Pollutant Discharge Elimination System (VPDES) permit” or “VPDES permit” means a document issued by the department pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.*

*“Virginia Stormwater BMP Clearinghouse” means a collection that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the VESMA and associated regulations.*

*“Virginia Stormwater Management Handbook” means a collection of pertinent information that provides general guidance for compliance with the VESMA and associated regulations and is developed by the department with advice from a stakeholder advisory committee.*

*“Wasteload allocation” or “wasteload” means the portion of a receiving surface water’s loading or assimilative capacity allocated to one of its existing or future point sources of pollution. Wasteload allocations are a type of water quality-based effluent limitation.*

*“Water quality technical criteria” means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control nonpoint source pollution.*

*“Water quantity technical criteria” means standards set forth in regulations adopted pursuant to the VESMA that establish minimum design criteria for measures to control localized flooding and stream channel erosion.*

*“Watershed” means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.*

*“Wetlands” means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.*

***Sec. 10-3. - Establishment of Virginia Erosion and Stormwater Management Program.***

*Pursuant to Section 62.1-44.15:27 of the Code of Virginia, the Town of Farmville hereby establishes a Virginia Erosion and Stormwater Management Program for land-disturbing activities and adopts the Virginia Erosion and Stormwater Management Regulation that specify standards and specifications for VESMPs promulgated by the State Water Control Board for the purposes set out in section 10-1 of this Chapter. The Town of Farmville’s Director of Public Works shall serve as the administrator of the Town’s Erosion and Stormwater Management Program established by this chapter.*

***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 10,000 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 less than one acre, but is part of a larger common plan of development or sale that disturbs one acre or more, 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.*
- 3. Land-disturbing activity that disturbs one acre or more 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 is applicable, as determined in accordance with 9VAC25-875-480 and 9VAC25-875-490.*
- 4. All new detached single-family homes that disturb less than 5 acres of land, 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).*

*b) Land-disturbing activities exempt per 9VAC25-875-90 are not required to comply with the requirements of the VESMA unless otherwise required by federal law.*

***Sec. 10-5. - Review and Approval of Plans; Prohibitions.***

- a) *The Director of Public Works shall review and approve soil erosion control and stormwater management (ESM) plans, except for activities not required to comply with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA), pursuant to § 62.1-44.15:34 of the Code of Virginia. Activities not required to comply with VESMA are defined in 9VAC25-875-90.*
- b) *A person shall not conduct any land-disturbing activity in the Town until:*
1. *An application that includes: (i) a permit registration statement, if required; (ii) a Town permit for land disturbance; (iii) a soil erosion control plan and a stormwater management plan, if required; (iv) or an executed agreement in lieu of a plan, if required, which has been submitted to the Director of Public Works;*
  2. *The name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 of the Code of Virginia is submitted to the Director of Public Works. The Town may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan; however, if a violation occurs during the land-disturbing activity, then the owner shall correct the violation and provide the name of the individual holding the certificate as provided by § 62.1-14:30. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided by the VESMA; and*
  3. *The Director of Public Works has issued a land-disturbance approval.*
- c) *The Director of Public Works may require changes to an approved ESM plan in the following cases:*
1. *Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or*
  2. *Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of the Act, are agreed to by the VESMP authority and the owner.*
- d) *To prevent further erosion, the Director of Public Works may require approval of an erosion and sediment control plan and a stormwater management plan for any land it identifies as an erosion impact area.*
- e) *Prior to issuance of any land-disturbance approval, the Director of Public Works may also require an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement it finds acceptable, to ensure that it can take measures at the applicant's expense should the applicant fail, after proper notice, within*

*the time specified to comply with the conditions it imposes as a result of his land-disturbing activity. If the Director of Public Works takes such action upon such failure by the applicant, it may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of security held. Within 60 days of the completion of the Director of Public Works's conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.*

- f) The Director of Public Works may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.*
- g) No exception to, or waiver of, post-development nonpoint nutrient runoff compliance requirements shall be granted unless offsite options have been considered and found not available in accordance with subsection D of § 62.1-44.15:35 of the Code of Virginia.*
- h) The Director of Public Works is authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities in accordance with § 62.1-44.15:50 of the Code of Virginia.*

***Sec. 10-6. - Review of a Soil Erosion Control and Stormwater Management Plan (ESM Plan).***

- a) The Director of Public Works shall approve or disapprove an ESM plan according to the following:*
  - 1. The Director of Public Works shall determine the completeness of any application within 15 days after receipt and shall act on any application within 60 days after it has been determined by them to be complete.*
  - 2. The Director of Public Works shall issue either land-disturbance approval or denial and provide written rationale for any denial.*
  - 3. Prior to issuing a land-disturbance approval, the Director of Public Works shall be required to obtain evidence of permit coverage when such coverage is required.*
  - 4. The Director of Public Works also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.*

***Sec. 10-7. - Permit Requirement; Exemptions.***

- a) Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the Director of Public Works in accordance with the provisions of this chapter and regulations.*

- b) *Notwithstanding any other provisions of this chapter, the following activities are not required to comply with the requirements of this chapter unless otherwise required by federal law:*
1. *Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;*
  2. *Installation, maintenance, or repair of any individual service connection;*
  3. *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;*
  4. *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;*
  5. *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;*
  6. *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 (§ 10.1-1100 et seq. of the Code of Virginia) 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;*
  7. *Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;*
  8. *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 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 VESMA and the regulations adopted pursuant thereto;*
  9. *Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;*

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 Director of Public Works shall be advised of the disturbance within 7 days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and*
  11. *Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.*
- c) *Notwithstanding this chapter and in accordance with the Virginia Erosion and Stormwater Management Act, Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:*
1. *Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;*
  2. *Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and*
  3. *Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.*

***Sec. 10-8. - Stormwater Pollution Prevention Plan; Contents of Plans.***

- a) *A stormwater pollution prevention plan shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL pursuant to subsection D of this section.*
- b) *A soil erosion control and stormwater management (ESM) plan consistent with the requirements of the Virginia Erosion and Stormwater Management Act (VESMA) and regulations must be designed and implemented during construction activities. Prior to land disturbance, this plan must be approved by the Director of Public Works in accordance with the VESMA, this chapter, and attendant regulations.*
- c) *A pollution prevention plan that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site and describe control measures that will be used to minimize pollutants*

*in stormwater discharges from the construction site must be developed before land disturbance commences.*

- d) In addition to the requirements of subsections (a) through (c) of this section, if a specific wasteload allocation for a pollutant has been established in an approved TMDL and is assigned to stormwater discharges from a construction activity, additional control measures must be identified and implemented by the operator so that discharges are consistent with the assumptions and requirements of the wasteload allocation.*
- e) The stormwater pollution prevention plan must address the following requirements as specified in 40 CFR 450.21, to the extent otherwise required by state law or regulations and any applicable requirements of a state permit:*
  - 1. Control stormwater volume and velocity within the site to minimize soil erosion;*
  - 2. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion;*
  - 3. Minimize the amount of soil exposed during construction activity;*
  - 4. Minimize the disturbance of steep slopes;*
  - 5. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;*
  - 6. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible;*
  - 7. Minimize soil compaction and, unless infeasible, preserve topsoil;*
  - 8. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed within a period of time determined by the VESMP authority. In arid, semiarid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be employed as specified by the VESMP authority; and*
  - 9. Utilize outlet structures that withdraw water from the surface, unless infeasible, when discharging from basins and impoundments.*

- f) *The SWPPP shall be amended whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters and that has not been previously addressed in the SWPPP. The SWPPP must be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site.*

***Sec. 10-9. - Stormwater Management Plan; Contents of Plan.***

- a) *A stormwater management plan shall be developed and submitted to the Director of Public Works. The stormwater management plan shall be implemented as approved or modified by the Director of Public Works and shall be developed in accordance with the following:*
  - 1. *A stormwater management plan for a land-disturbing activity shall apply the stormwater management technical criteria set forth in this chapter and Article 4 (9VAC25-875-670 et seq.) of Part V of the Regulation to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments, including those developed under subsequent owners, shall not be considered separate land-disturbing activities.*
  - 2. *A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.*
- b) *A complete stormwater management plan shall include the following elements:*
  - 1. *Information on the type of and location of stormwater discharges, information on the features to which stormwater is being discharged including surface waters or karst features if present, and predevelopment and post-development drainage areas;*
  - 2. *Contact information including the name, address, telephone number, and email address of the owner and the tax reference number and parcel number of the property or properties affected;*
  - 3. *A narrative that includes a description of current site conditions and final site conditions or if allowed by the VESMP authority, the information provided and documented during the review process that addresses the current and final site conditions;*
  - 4. *A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;*
  - 5. *Information on the proposed stormwater management facilities, including (i) detailed narrative on the conversion to a long-term stormwater management facility if the facility was used as a temporary ESC measure; (ii) the type of facilities; (iii) location, including*

*geographic coordinates; (iv) acres treated; and (v) the surface waters or karst features into which the facility will discharge;*

- 6. Hydrologic and hydraulic computations, including runoff characteristics;*
- 7. Documentation and calculations verifying compliance with the water quality and quantity requirements of these regulations;*
- 8. A map of the site that depicts the topography of the site and includes:*
  - a. All contributing drainage areas;*
  - b. Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;*
  - c. Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;*
  - d. Current land use including existing structures, roads, and locations of known utilities and easements;*
  - e. Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;*
  - f. The limits of clearing and grading, and the proposed drainage patterns on the site;*
  - g. Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and*
  - h. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including planned locations of utilities, roads, and easements.*
- 9. If an operator intends to meet the requirements established in 9VAC25-875-580 or 9VAC25-875-600 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included; and*
- 10. If the Director of Public Works requires payment of a fee with the stormwater management plan submission, the fee and the required fee form in accordance with Section 10-19 of this chapter must have been submitted.*
  - c) All final plan elements, specifications, or calculations of the stormwater management plans whose preparation requires a license under Chapter 4 (§ 54.1-400 et seq.) or 22 (§ 54.1-2200 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately signed and sealed by a professional who is licensed to engage in practice in the Commonwealth of Virginia. Nothing in this subsection shall authorize any person to engage in practice outside his area of professional competence.*

**Sec. 10-10. - Pollution Prevention Plan; Contents of Plans.**

- a) *A plan for implementing pollution prevention measures during construction activities shall be developed, implemented, and updated as necessary. The pollution prevention plan shall detail the design, installation, implementation, and maintenance of effective pollution prevention measures as specified in 40 CFR 450.21(d) to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:*
1. *Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;*
  2. *Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and*
  3. *Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.*
- b) *The pollution prevention plan shall include effective best management practices to prohibit the following discharges in accordance with 40 CFR 450.21(e):*
1. *Wastewater from washout of concrete, unless managed by an appropriate control;*
  2. *Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;*
  3. *Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and*
  4. *Soaps or solvents used in vehicle and equipment washing.*
- c) *Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls in accordance with 40 CFR 450.21(c).*

**Sec. 10-11. - Erosion and Sediment Control Plan; Contents of Plans.**

- a) *An erosion and sediment control plan, which is a component of the ESM 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 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) *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 Director of Public Works.*
  - c) *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.*
  - d) *Land-disturbing activity of less than 10,000 square feet on individual lots in a residential development shall not be considered exempt from the provisions of the VESMA if the total land-disturbing activity in the development is equal to or greater than 10,000 square feet.*

***Sec. 10-12. - Technical Criteria for Regulated Land Disturbing Activities.***

- a) *To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the Town of Farmville hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part V of 9VAC25-875 expressly to include 9VAC25-875-580 [water quality design criteria requirements]; 9VAC25-875-590 [water quality compliance]; 9VAC25-875-600 [water quantity]; 9VAC25-875-610 [offsite compliance options]; 9VAC25-875-620 [design storms and hydrologic methods]; 9VAC25-875-630 [stormwater harvesting]; 9VAC25-875-640 [linear development project]; and, 9VAC25-875-650 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this chapter, except as expressly set forth in subsection (b) of this Section.*
- b) *Any land-disturbing activity shall be considered grandfathered and shall be subject to Article 4 (9VAC25-875-670 et seq.) of Part V of the Regulation provided the following are applicable:*
  1. *A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the Town of Farmville to be equivalent thereto (i) was approved by the Town of Farmville prior to July 1, 2012; (ii) provided a layout as defined in 9VAC25-875-670; (iii) complies with the technical criteria of Article 4 of Part V of 9VAC25-875, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;*

2. *A permit has not been issued prior to July 1, 2014; and*
  3. *Land disturbance did not commence prior to July 1, 2014.*
- c) *Locality, state, and federal projects shall be considered grandfathered by the Director of Public Works and shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875 provided the following are applicable:*
1. *There has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012.*
  2. *A permit has not been issued prior to July 1, 2014; and*
  3. *Land disturbance did not commence prior to July 1, 2014.*
- d) *Land disturbing activities grandfathered under subsections A and B of this section shall remain subject to the technical criteria of Article 4 of Part V of 9VAC25-875 for one additional permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.*
- e) *In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Article 4 of Part V of 9VAC25-875.*
- f) *Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.*

***Sec. 10-13. - Long-term Maintenance of Permanent Stormwater Facilities.***

- a) *The operator shall submit a construction record drawing for permanent stormwater management facilities to the Director of Public Works in accordance with 9VAC25-875-535. The record drawing shall contain a statement signed by a professional registered in the Commonwealth of Virginia pursuant to Chapter 4 of Title 54.1 of the Code of Virginia, stating that to the best of their knowledge, the construction record drawing shows all adjustments and revisions to the Stormwater Management Plan made during construction and serve as a permanent record of the actual location of all constructed elements.*
- b) *The Director of Public Works shall require the provision of long-term responsibility for, and maintenance of, stormwater management facilities and other techniques specified to manage the quality and quantity of runoff. Such requirements shall be set forth in an instrument recorded in the local land records prior to general permit termination or earlier as required by the Director of Public Works and shall at a minimum:*

1. *Be submitted to the Director of Public Works for review and approval prior to the approval of the stormwater management plan;*
  2. *Be stated to run with the land;*
  3. *Provide for all necessary access to the property for purposes of maintenance and regulatory inspections;*
  4. *Provide for inspections and maintenance and the submission of inspection and maintenance reports to the Director of Public Works; and*
  5. *Be enforceable by all appropriate governmental parties.*
- c) *At the discretion of the Director of Public Works such recorded instruments need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located, provided it is demonstrated to the satisfaction of the Director of Public Works that future maintenance for those facilities will be addressed through an enforceable mechanism at the discretion of the Director of Public Works.*
- d) *If a recorded instrument is not required pursuant to subsection (c), the administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Director of Public Works or their duly authorized agent.*

***Sec. 10-14. - Monitoring and Inspections.***

- a) *The Director of Public Works shall inspect the land-disturbing activity during construction for:*
1. *Compliance with the approved erosion and sediment control plan;*
  2. *Compliance with the approved stormwater management plan;*
  3. *Development, updating, and implementation of a pollution prevention plan; and*
  4. *Development and implementation of any additional control measures necessary to address a TMDL.*
- b) *The Director of Public Works shall conduct periodic inspections on all projects during construction. The Director of Public Works shall either:*

1. *Provide for an inspection during or immediately following initial installation of erosion and sediment controls, at least once in every two-week period, within 48 hours following any runoff producing storm event, and at the completion of the project prior to the release of any performance bonds; or*
2. *Establish an alternative inspection program which ensures compliance with the approved erosion and sediment control plan. Any alternative inspection program shall be:*
  - a. *Approved by the department prior to implementation;*
  - b. *Established in writing;*
  - c. *Based on a system of priorities that, at a minimum, address the amount of disturbed project area, site conditions and stage of construction; and*
  - d. *Documented by inspection records.*
- c) *The Director of Public Works shall establish an inspection program that ensures that permanent stormwater management facilities are being adequately maintained as designed after completion of land-disturbing activities. Inspection programs shall:*
  1. *Be approved by the department;*
  2. *Ensure that each stormwater management facility is inspected by the Director of Public Works, or their designee, not to include the owner, except as provided in subsections(d) and (e) of this section, at least once every five years; and*
  3. *Be documented by records.*
- d) *The Director of Public Works may utilize the inspection reports of the owner of a stormwater management facility as part of an inspection program established in subsection (b) of this section if the inspection is conducted by a person who is licensed as a professional engineer, architect, landscape architect, or land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1; a person who works under the direction and oversight of the licensed professional engineer, architect, landscape architect, or land surveyor; or a person who holds an appropriate certificate of competence from the department.*
- e) *If a recorded instrument is not required pursuant to 9VAC25-875-130, the Director of Public Works shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other methods targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Director of Public Works.*

**Sec. 10-15. - Appeals.**

- a) *A final decision by the Town, shall be subject to judicial review, provided that 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 a land-disturbing activity.*
- b) *The appeal must be filed in writing with the Clerk of the Circuit Court of Prince Edward County, Virginia within 30 days of the final decision being rendered. Such petition must specify the grounds on which the appeal is based. The filing of the petition shall not stay the decision of the locality unless otherwise ordered by the Circuit Court.*
- c) *Final decisions by the Town shall be subject to judicial review in accordance with the provisions of the Administrative Process Act of the Code of Virginia (§. 2.2-4000 et seq.)*

**Sec. 10-16. - Right of Entry.**

- a) *The Director of Public Works or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this chapter.*
- b) *In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, the Director of Public Works may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by conditions imposed by the Director of Public Works on a land-disturbing activity when an owner, after proper notice, has failed to take acceptable action within the time specified.*

**Sec. 10-17. - Enforcement.**

- a) *If the Director of Public Works determines that there is a failure to comply with the permit conditions or determines there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.*
  - 1. *The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection (2) or the permit may be revoked by the administrator.*

2. *If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the Director of Public Works may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the administrator. However, if the Director of Public Works finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Director of Public Works may institute a proceeding for an injunction, mandamus, or other appropriate remedy.*
- b) *In addition to any other remedy provided by this chapter, if the Director of Public Works, or their designee, determines that there is a failure to comply with the provisions of this chapter, they may initiate such informal and/or formal administrative enforcement procedures.*
- c) *Any person violating, failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Director of Public Works may be compelled in a proceeding instituted in the Prince Edward County, Virginia Circuit Court by the Town of Farmville to obey the same and to comply therewith by injunction, mandamus, or other appropriate remedy.*
- d) *Stormwater management violations for which a penalty may be imposed shall include, but not be limited to, the following:*
  1. *No state permit registration;*
  2. *No SWPPP;*
  3. *Incomplete SWPPP;*
  4. *SWPPP not available for review;*
  5. *No approved erosion and sediment control plan;*
  6. *Failure to install stormwater BMPs or erosion and sediment controls;*

7. *Stormwater BMPs or erosion and sediment controls improperly installed or maintained;*
8. *Operational deficiencies;*
9. *Failure to conduct required inspections;*
10. *Incomplete, improper, or missed inspections; and*
11. *Discharges not in compliance with the requirements of 9VAC25-880-70.*

*e) Stormwater management violations may be assessed civil and criminal penalties in accordance with § 62.1-44.15.48 of the Code of Virginia.*

*f) A civil penalty for erosion and sediment control violations in the amount listed on the schedule below may be assessed against the owner of the property, in accordance with § 62.1-44.15.63 of the Code of Virginia, for a violation of each of the following offenses:*

1. *Commencement of land-disturbing activity prior to the issuance of a land disturbance permit shall be a fine of not more than \$1,000.00 and not less than \$100.00.*
2. *Vegetative measures: Failure to comply with minimum standards (9 Virginia Administrative Code 25-875-560) - MS-1, MS-2, MS-3 and MS-5 shall be a fine of \$100.00.*
3. *Structural measures: Failure to comply with minimum standards MS-4, MS-6, MS-10, MS-11, MS-15, and MS-17 shall be a fine of \$100.00.*
4. *Watercourse measures: Failure to comply with minimum standards MS-12, MS-13 and MS-15 shall be a fine of \$100.00.*
5. *Slope stabilization/protective measures: Failure to comply with minimum standards MS-7, MS-8 and MS-9 shall be a fine of \$100.00.*
6. *Underground utility measures: Failure to comply with minimum standard MS-16(a), (b), (c), and/or (d) shall be a fine of \$100.00.*
7. *Erosion control standards and specifications: Failure to comply with any standards and specifications contained in the current edition of the Virginia Stormwater Management Handbook shall be a fine of \$100.00.*
8. *Dust control: Failure to comply with the standards relating to dust control shall be a fine of \$100.00.*
9. *Failure of the person responsible for carrying out the plan to provide the name of an individual holding a certificate of competence, as provided by Code of Virginia, § 62.1-*

*44.15:15, who will be in charge of and responsible for carrying out the land-disturbing activity shall be a fine of \$100.00.*

*10. Certified responsible land disturber: Failure of the certified responsible land disturber to fulfill any responsibilities provided for in this chapter shall be a fine of \$100.00.*

*11. Failure to obey a stop work order shall be a fine of \$100.00.*

*12. Failure to stop work when a permit is revoked shall be a fine of \$100.00.*

*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 that 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 that exceed a total of \$10,000.00.*

*g) The Director of Public Works shall prepare an erosion and sediment control civil violation summons for use in enforcing the provisions of Section F, above. Such notice shall contain the following information:*

- 1. The name and address of the person charged;*
- 2. The nature of the violation and minimum standards and specifications that are not being met;*
- 3. The location and dates that the violation occurred or was observed;*
- 4. The amount of the civil penalty established for the violation;*
- 5. The manner, location, and time that the civil penalty may be paid to the Town; and*
- 6. A statement that it is the right of the recipient of the notice to elect to stand trial for the infraction and the date of such trial.*

*h) Should a civil violation summons be issued as provided in subsection (g), it shall provide that any person issued the summons may, within 5 working days of receipt of the summons, elect to pay the civil penalty by making an appearance in person or by certified mail to the Town's treasurer's office and, by such appearance may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.*

*i) If a person charged with a civil violation summons as provided in section (g), does not elect to enter a waiver of trial and admit liability, the Director of Public Works shall cause the law enforcement to serve the summons on the owner or permittee.*

- j) Any civil penalties assessed as a result of a summons issued by the Town of Farmville shall be paid into the Treasury of the Town of Farmville to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution.
- k) Erosion and sediment control violations may be assessed civil and criminal penalties in accordance with § 62.1-44.15.48 of the Code of Virginia.

**Sec. 10-19. - Fees.**

- a) Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with Table 1 below. When a site(s) has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees (“total fee to be paid by applicant” column) in accordance with the disturbed acreage of their site or sites according to Table 1.

**Table 1: Fee Schedule**

<b>Fee Type</b>	<b>Total fee to be paid by applicant (includes both VESMP authority and department portions)</b>	<b>Department portion of “total fee to be paid by applicant” (based on 28% of total fee paid*)</b>
<i>Erosion and Stormwater Management Plan Review</i>	<i>\$200.00 plus \$15.00 per acre or portion thereof.</i>	<i>\$0.00</i>
<i>Town Land Disturbance Permit (Land disturbance acreage of 10,000 square feet or greater)</i>	<i>\$200.00 plus \$15.00 per acre or portion thereof.</i>	<i>\$0.00</i>
<i>Single Family Residential (Agreement in Lieu of)</i>	<i>\$50.00</i>	<i>\$0.00</i>
<i>General/Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</i>	<i>\$290.00</i>	<i>\$81.00</i>

<i>General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)</i>	\$2,700.00	\$756.00
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</i>	\$3,400.00	\$952.00
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	\$4,500.00	\$1,260.00
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	\$6,100.00	\$1,708.00
<i>General Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	\$9,600.00	\$2,688.00

*\* If the project is completely administered by the department such as maybe the case for state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the department.*

- b) Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the Town of Farmville, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1.*

**Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities**

<b>Type of Permit</b>	<b>Fee Amount</b>
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<i>General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</i>	<i>\$20.00</i>
<i>General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)</i>	<i>\$200.00</i>
<i>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)</i>	<i>\$250.00</i>
<i>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	<i>\$300.00</i>
<i>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	<i>\$450.00</i>
<i>General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)</i>	<i>\$700.00</i>

c) *The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees shall be paid annually to the Town of Farmville, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until notice of termination is effective.*

**Table 3: Permit Maintenance Fees**

<b>Type of Permit</b>	<b>Fee Amount</b>
<i>General/ Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)</i>	<i>\$50.00</i>
<i>General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)</i>	<i>\$400.00</i>

<i>General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)</i>	<i>\$500.00</i>
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)</i>	<i>\$650.00</i>
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)</i>	<i>\$900.00</i>
<i>General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)</i>	<i>\$1,400.00</i>

*d) The fees set forth in subsections (a) through (c) of this section, shall apply to:*

- 1. All persons seeking coverage under the general permit;*
- 2. All persons seeking coverage for a Town of Farmville land disturbance permit;*
- 3. All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit; and*
- 4. Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities.*

*e) No general permit application fees will be assessed to:*

- 1. Permittees who request minor modifications to general permits as defined in section 10-2 of this chapter. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Director of Public Works shall not be exempt pursuant to this section; or*
- 2. Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the Director of Public Works or errors related to the acreage of the site.*

*f) All incomplete payments will be deemed as nonpayment, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10 percent late payment fee shall be charged to any delinquent (over 90 days past due) account. The Town of Farmville shall*

*be entitled to all remedies available under the Code of Virginia in collecting any past due amount.*

**Sec. 10-20. - Performance bond**

- a) *Prior to the issuance of any permit, the applicant shall post a performance bond in favor of the Town with an acceptable corporate surety, in an amount approved by the Director of Public Works as sufficient to install the controls specified in the approved erosion and sediment control plan and the stormwater management plan. The bond shall be conditioned on the faithful performance of the approved erosion and sediment control plan and the stormwater management plan and shall indemnify and save harmless the Town from any loss that results from the applicant's failure to comply with the requirements of this chapter. The form of the bond shall be approved by the Town attorney.*
  - b) *In lieu of a performance bond, the applicant may submit to the Director of Public Works cash escrow or an irrevocable letter of credit which is approved as to form by the Town attorney. The amount of the cash escrow or letter of credit shall be approved by the Director of Public Works in the manner described in subsection (a). If the applicant and the Director of Public Works have both approved an agreement in lieu of a plan, no other security shall be required pursuant to this section.*
  - c) *The amount of the bond, cash escrow, or irrevocable letter of credit shall include an amount that is equal to ten percent of the installation cost to cover maintenance costs.*
  - d) *If the owner or permit holder does not faithfully perform the approved erosion and sediment control plan or any other measures deemed necessary by the Director of Public Works, as provided for in the § 62.1-44.15:24 et seq. of the Code of Virginia, 9VAC25-875-560, and the most recently approved edition of the Virginia Stormwater Management Handbook, the Director of Public Works shall revoke the land disturbance permit prior to using any funds that are posted to implement any portion of the erosion and sediment control plan or other measures deemed necessary by the Director of Public Works. The person who posted the bond, letter of credit, or cash escrow shall increase the bond, letter of credit or cash escrow back to the original amount approved by the Director of Public Works before the reissuance of the land disturbance permit to the permit holder.*
  - e) *Within 60 days of the completion of the requirements of the permit conditions, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.*
3. This ordinance shall be in full force and effect upon passage.

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

\*\*\*\*\*

I certify that the above ordinance was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable A.D. "Chuckie" Reid: \_\_\_\_\_.

The Honorable Sallie O. Amos \_\_\_\_\_.

The Honorable Daniel E. Dwyer \_\_\_\_\_.

The Honorable Tommy Pairet \_\_\_\_\_.

The Honorable Adam Yoelin \_\_\_\_\_.

The Honorable Donald L. Hunter \_\_\_\_\_.

The Honorable John Hardy \_\_\_\_\_.



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 13.a. – Request Adoption of Ordinance No. 243 - Amending Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town

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**BACKGROUND:** At the March 11, 2026, Regular meeting, the Council voted in favor of the proposed budget being prepared using a Meals Tax Increase from 7% to 8%, with a Public Hearing being held in April as part of that motion. A Public Hearing is scheduled for April 8, 2026.

**RECOMMENDATION:** Adopt Ordinance No. 243

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. ORDINANC 243 - ARTICLE V - Tax on the Sale of Prepared Food

## ORDINANCE NO. 243

### **Amending Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town**

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. The amending of Sec.(s) 25-101, 102, 106, 108, and 110 of Article V - Tax on the Sale of Prepared Food to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town as follows:

#### **ARTICLE V. - TAX ON THE SALE OF PREPARED FOOD**

##### **Footnotes:**

--- (4) ---

**Editor's note**— Ord. No. 57, adopted June 14, 2000, repealed the former Art. V., §§ 25-101—25-113, and enacted a new Art. V. as set out herein. The former Art. V. pertained to similar subject matter and derived from Code 1973, §§ 25-24, 25-25, 25-27—25-35; Ord. of June 26, 1990(1); Ord. No. 13, adopted June 11, 1992; Ord. No. 20, adopted Feb. 10, 1993.

**State Law reference**— Meals tax, Code of Virginia, § 58.1-3840.

##### **Sec. 25-101. - Definitions.**

The following words and phrases, when used in this article, shall have, for the purposes of this article, the following respective meanings except where the context clearly indicates a different meaning:

Cater means the furnishing of food, beverages, or both on the premises of another, for compensation.

Collector means the ~~treasurer~~ *finance director* or designee.

Food means all food, beverages or both, including alcoholic beverages purchased in or from a food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not, and without regard to the manner, time or place of service.

Food establishment means any place in or from which food or food products are prepared, packaged, sold or distributed in the town, including but not limited to, any restaurant, dining room, grill, coffee shop, cafeteria, cafe, snack bar, lunch counter, convenience store, movie

theater, delicatessen, confectionery, baker, eating house, eatery, drugstore, ice cream/yogurt shops, lunch wagon or truck pushcart or other mobile facility from which food is sold, public or private club, resort, bar, lounge, or other similar establishment, public or private, and shall include private property outside of and contiguous to a building or structure operated as a food establishment at which food or food products are sold for immediate consumption.

Meal means that any prepared food or drink offered or held out for sale by a food establishment for the purpose of being consumed by any person to satisfy the appetite and is ready for immediate consumption. All such food and beverage, unless otherwise specifically exempted or excluded herein shall be included, whether intended to be consumed on the seller's premises or elsewhere, whether designated as breakfast, lunch, snack, dinner, supper or by some other name, and without regard to the manner, time or place of service.

(Ord. No. 57, 6-14-2000)

**Sec. 25-102. - Levy.**

There is hereby imposed and levied by the town on each person a tax rate of ~~seven (7)~~ **eight (8)** percent on the amount paid for meals purchased from any food establishment or not, and whether consumed on the premises or not.

(Ord. No. 57, 6-14-2000; Ord. No. 76, 10-8-2003; Ord. No. 139, 6-16-2011)

**Sec. 25-106. - Report of taxes collected; remittance; preservation of records.**

It shall be the duty of every person required by this article to pay to the town the taxes imposed by this article to make a report thereof setting forth such information as the ~~treasurer~~ **finance director** may prescribe and require, including all purchases taxable under this article, the amount charged the purchaser for each such purchase, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article, and shall sign and deliver such report to the ~~treasurer~~ **finance director** with the remittance of such tax. Such report and remittance shall be made as require by the ~~treasurer~~ **finance director**, which shall be at least once in every thirty-day period, and each shall be filed no later than the twentieth (20<sup>th</sup>) day of each month. Failure to remit the tax due by the twentieth (20<sup>th</sup>) day of each month shall create a presumption that the responsible person has unlawfully converted the tax due to his own use and has committed larceny thereof.

Any such tax records shall be kept and preserved for a period of five (5) years. The ~~treasurer~~ **finance director** or his duly authorized agents shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such person, for the purpose of administering and enforcing the provisions of this article, and to make transcripts of all or any parts thereof.

(Ord. No. 57, 6-14-2000)

**Sec. 25-108. - Penalties, interest on delinquent taxes.**

If any responsible person shall fail or refuse to remit to the ~~treasurer~~ *finance director* the tax required to be collected and paid him under the provisions of this article within the time and in the amount required, there shall be added to such tax by the ~~treasurer~~ *finance director* a penalty in the amount of ten (10) percent thereof, and interest thereof at the rate of eight (8) percent per annum which shall be computed upon the taxes and penalty from the date such taxes are due and payable.

(Ord. No. 57, 6-14-2000)

**Sec. 25-110. - Enforcement.**

If any responsible person shall fail or refuse to collect the tax imposed by the provisions of this article and to make payment within the time required according to the reports and remittances required by this article, the ~~treasurer~~ *finance director* shall proceed in such manner as he may deem best to obtain the facts and information on which to base his estimate of the tax due. As soon as the ~~treasurer~~ *finance director* procures such facts and information as he is able to obtain upon which to base the assessment of any tax payment by any person who shall fail or refuse to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such responsible person such tax and penalty and interest provided by this article and shall notify such responsible person by registered mail sent to his last known place of address of the amount of such tax and penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date of such notice. The ~~treasurer~~ *finance director* shall have the power to examine such records for the purpose of administering and enforcing the provisions of this section. If any responsible person fails to comply with this article or any provision of it, the ~~treasurer~~ *finance director* may terminate the business license issued pursuant to [section 14-11](#) or in the alternative, may require the responsible person to place a deposit with the ~~treasurer~~ *finance director* equal to the greater of one thousand dollars (\$1,000.00) or the equivalent of one (1) month's tax imposed under this article. Said deposit is to serve as security for the payment of future taxes due hereunder.

(Ord. No. 57, 6-14-2000)

2. This ordinance shall be in full force and effect on July 1, 2026.

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

Clerk of Council

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I certify that the above ordinance was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable A.D. "Chuckie" Reid: \_\_\_\_\_.

The Honorable Sallie O. Amos \_\_\_\_\_.

The Honorable Daniel E. Dwyer \_\_\_\_\_.

The Honorable Tommy Pairet \_\_\_\_\_.

The Honorable Adam Yoelin \_\_\_\_\_.

The Honorable Donald L. Hunter \_\_\_\_\_.

The Honorable John Hardy \_\_\_\_\_.



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 13.b. – Request Adoption of Ordinance No. 244 - Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town

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**BACKGROUND:** At the March 11, 2026, Regular meeting, the Council voted in favor of the proposed budget being prepared using a Lodging Tax Increase from 7% to 8%, with a Public Hearing being held in April as part of that motion. A Public Hearing is scheduled for April 8, 2026.

**RECOMMENDATION:** Adopt Ordinance No. 244

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. ORDINANCE 244 - ARTICLE VI - Tax on Transient Lodging

**ORDINANCE NO. 244**

**Amending Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town**

THE TOWN OF FARMVILLE HEREBY ORDAINS:

1. The amending of Sec.(s) 25-131, 133, 137, 138,139,140, and 141 of Article VI – Tax on Transient Lodging to increase the tax from seven (7) percent to eight (8) percent and make changes to positions in the Town as follows:

**ARTICLE VI. - TAX ON TRANSIENT LODGING**

**Footnotes:**

--- (5) ---

**State Law reference**— Tax on transient room rentals, Code of Virginia, § 58.1-3840.

**Sec. 25-131. - Definitions.**

The following words and phrases, when used in this article, have the following respective meanings except when the context clearly indicates a different meaning:

Hotel means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city offering lodging for compensation to any transient.

Lodging means space or room furnished any transient.

Transient means any person who, for a period of not more than thirty (30) consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel.

~~Treasurer~~ *Finance Director* means the town ~~treasurer~~ *finance director* and any of his/*her* duly authorized agents.

(Code 1973, § 25-36)

**Sec. 25-133. - Levied.**

There is hereby imposed and levied by the town on each transient a tax equivalent to ~~seven~~ ***(7) eight (8)*** percent of the total amount paid for lodging including any other taxes levied thereon by or for any transient to any hotel or motel.

(Ord. of 6-26-90(2); Ord. No. 77, 10-8-2003; Ord. No. 141, 6-16-2011)

**Sec. 25-137. - Reports, remittance of tax collected.**

The responsible person collecting any tax as provided in this article shall make out a record thereof upon such forms and setting forth such information as the ~~treasurer~~ ***finance director*** may prescribe and require, showing the amount of lodging charges collected and the tax required to be collected, and shall sign and deliver such reports to the ~~treasurer~~ ***finance director*** with a remittance of such tax. Such report and remittance shall be made on or before the twentieth day of each month for taxes collected the preceding month. All payments of monies shall be to the town ~~treasurer~~ ***finance director***.

(Code 1973, § 25-42; Ord. No. 18, 2-10-93)

**Sec. 25-138. - Interest, penalties.**

If any responsible person shall fail or refuse to remit to the town ~~treasurer~~ ***finance director*** the tax required to be collected and paid under this article within the time and in the amount specified in this article there shall be added to such tax by the ~~treasurer~~ ***finance director*** a penalty in the amount of ten (10) percent thereof and interest thereon at the rate of eight (8) percent per annum which shall be computed upon the taxes and penalty from the date such taxes are due and payable. ***The Town shall be permitted to recover its attorney's fees incurred in collection efforts against any non-compliant person or entity.***

(Code 1973, § 25-43; Ord. No. 18, 2-10-93)

**State Law reference**— Maximum interest rate, etc., Code of Virginia, § 58.1-3916.

**Sec. 25-139. - Failure or refusal to collect and report tax.**

If any responsible person shall fail or refuse to collect the tax imposed by the provisions of this article and to make payment within the time required according to the reports and remittances required by this article, the ~~treasurer~~ ***finance director*** shall proceed in such manner as he may deem best to obtain the facts and information on which to base his estimate of the tax due. As soon as the ~~treasurer~~ ***finance director*** procures such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any person who shall fail or refuse to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such responsible person

such tax and penalty and interest provided by this article and shall notify such responsible person by registered mail sent to his last known place of address of the amount of such tax and penalty and interest, and the total amount thereof shall be payable within ten (10) days from the date of such notice. The ~~treasurer~~ **finance director** shall have the power to examine such records for the purpose of administering and enforcing the provisions of this section. If any responsible person fails to comply with this article or any provision of it, the ~~treasurer~~ **finance director** may terminate the business license issued pursuant to [section 14-11](#) or in the alternative, may require the responsible person to place a deposit with the ~~treasurer~~ **finance director** equal to the greater of one thousand dollars (\$1,000.00) or the equivalent of one (1) month's tax imposed under this article. Said deposit is to serve as security for the payment of future taxes due hereunder.

(Code 1973, § 25-35; Ord. No. 13, 6-11-92; Ord. No. 18, 2-10-93)

**Sec. 25-140. - Records.**

It shall be the duty of every person liable for the collection and payment to the town of any tax imposed by this article to keep and to preserve for a period of two (2) years such suitable records as may be necessary to determine and show accurately the amount of such tax as he may have been responsible for collecting and paying to the town. The ~~treasurer~~ **finance director** may inspect such records at all reasonable times.

(Code 1973, § 25-45)

**Sec. 25-141. - Procedure upon cessation of business.**

Whenever any person required to collect and pay to the town a tax under this article shall cease to operate or dispose of his business, he shall notify the ~~treasurer~~ **finance director** of such fact and any tax payable on the date such person shall cease to operate or dispose of his business and such person having made a report through such date for the collection of such taxes thereafter. Otherwise such person shall be liable for such taxes through the succeeding collection date.

(Code 1973, § 25-46)

2. This ordinance shall be in full force and effect on July 1, 2026.

Approved: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

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I certify that the above ordinance was:

Adopted on \_\_\_\_\_.

Ayes: \_\_\_\_\_. Nays: \_\_\_\_\_. Absent: \_\_\_\_\_. Abstain: \_\_\_\_\_.

The Honorable A.D. "Chuckie" Reid: \_\_\_\_\_.

The Honorable Sallie O. Amos \_\_\_\_\_.

The Honorable Daniel E. Dwyer \_\_\_\_\_.

The Honorable Tommy Pairt \_\_\_\_\_.

The Honorable Adam Yoelin \_\_\_\_\_.

The Honorable Donald L. Hunter \_\_\_\_\_.

The Honorable John Hardy \_\_\_\_\_.



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 13.c. – Request Acceptance of the Planning Commission 2025 Annual Report

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**BACKGROUND:** Section 15.2-2221 of the Code of Virginia states:

*Duties of commission.*

*5. Make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction.*

**RECOMMENDATION:** Accept the Planning Commission 2025 Annual Report as presented.

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. Planning Commission 2025 Annual Report



# Planning Commission

## 2025 ANNUAL REPORT TO THE TOWN COUNCIL

Section 15.2-2221 of the Code of Virginia states:

*A planning commission shall make recommendations and an annual report to the governing body concerning the operation of the commission and the status of planning within its jurisdiction.*

### **Members**

Jennifer Fraley, CPC  
103 Jay's Road  
Farmville, VA 23901  
Term Expires: 6/30/2026  
Ward A

Jerry Davenport  
803 Bizarre Street  
Farmville, VA 23901  
Term Expires: 6/30/2025  
Ward E

Rhett L. Weiss, CPC  
809 Fourth Avenue  
Farmville, VA 23901  
Term Expires: 6/30/2026  
Ward B

Sydney French  
304 East 1st Street, Unit E  
Farmville, VA 23901  
Term Expires: 6/30/2029  
Ward E

Cameron Patterson, CPC  
420 Griffin Boulevard  
Farmville, VA 23901  
Term Expires: 6/30/2029  
Ward C

Abigail O'Connor, CPC  
818 Creekwood Trail  
Farmville, VA 23901  
Term Expires: 6/30/2029  
At-Large

Patrick Crute, CPC  
1402 Spottswood Drive  
Farmville, VA 23901  
Term Expires: 6/30/2029  
Ward D

John D. Miller, CPC  
309 Second Avenue  
Farmville, VA 23901  
Term Expires: 6/30/2026  
At-Large

### **Appointments**

John Miller – Chairperson  
Jerry Davenport (through June), Patrick Crute – Vice Chairperson  
Abigail O'Connor – Secretary

### **Meetings**

The Planning Commission held seven meetings in calendar year 2025, including one joint meeting with Council.

## **2025 Work Items**

The Planning Commission's workload in 2025 can be grouped into two categories of tasks: actionable items and individual commissioners' scheduled review of the town's Comprehensive Plan. The following actionable items include the planning commission's site plan approvals, recommendations to Council, and public hearings not (yet) associated with the latter:

- Reviewed and recommended Council approval of a conditional use permit to allow for a single-family residence in a B-2 Transitional Commercial Zoning District at 709 East Third Street (January)
- Reviewed and recommended Council approval of a request for amendment to the Official Zoning Map to rezone approximately 1.297-acres from R-1 to B-3 at 190 Milnwood Road (January)
- Reviewed and recommended Council approval of a conditional use permit to allow a public maintenance and service facility to support a public utility at 190 Milnwood Road (January)
- Reviewed and approved a site plan for Dominion Energy's office expansion at 1609 East Third Street and construction of fleet garage, transmission building, and covered vehicle storage (April)
- Reviewed and recommended Council approval to amend the conditional use permit issued on June 13, 2007, to Immigration Centers of America-Farmville, LLC (June)
- Reviewed and approved a site plan to demolish the existing Sheetz building, canopy, and car wash, and to construct a new 6,139-square-foot building with drive-thru and a new canopy (June)
- Held a public hearing on repealing Sec. 29-62 (d) (9) d–Sidewalks and adding Sec. 29-62 (e) to require the installation, construction, and dedication of sidewalks for property being developed or subdivided in the B-1, B-2, B-3, R-1, R-2, and R-3 zoning districts (August)
- Reviewed and approved a site plan to expand the existing two-story structure at 208 South Street from 3,256 square feet by adding a one-story, 1,084 square foot addition, and a 301-square-foot steel frame structure to house new steps (September)
- Reviewed and approved a site plan to relocate the helipad at Centra Southside Hospital to a new location within the site outside the Special Flood Hazard Area (September)
- Reviewed and recommended Council approval of a conditional use permit to allow an accessory dwelling unit per Town Code Section 29-22 at 709 High Street (September)

- Reviewed and recommended Council approval to amend the conditional use permit approved by Council in January 2025 to allow for an additional two self-storage buildings and the removal of the 1-acre outdoor parking storage area on Peery Drive (November)

The Planning Commission deferred action on ZTA25-001–Sidewalks pending a new draft of an ordinance from the town attorney based on commissioners’ deliberations at the August and November meetings.

Commissioners individually submitted their recommendations respecting the review of the Comprehensive Plan to staff in July.

**2026 Proposed Actions by Planning Commission and Requests to Town Council**

The Commission aspires to and requests the following:

- Review zoning amendment, rezoning, conditional use permit requests and/or other issues that may be referred to the Planning Commission by Town Council.
- Review draft documents and final documents relating to the Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance, hear public comments on these documents, and make recommendations to Town Council.
- Request that Town Council continue to budget funds for a Planning Commissioner to attend the Certified Planning Commissioner Program that is conducted through the Land Use Education Program (LUEP) at Virginia Commonwealth University. All other commissioners have completed the training.
- Prepare and submit the 2026 annual report to Town Council.

On behalf of the Farmville Planning Commission, I am pleased to provide the Commission’s annual report for calendar year 2025. We would like to thank the Town Council for allowing us the opportunity to serve as an advisor to Council in planning for the Town’s future.

Respectfully submitted,

John D. Miller  
Chairperson



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 13.d. – Request Acceptance of the Board of Zoning Appeals 2025 Annual Report

---

**BACKGROUND:** Section 15.2-2308 of the Code of Virginia states:

*The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.*

**RECOMMENDATION:** Accept the Board of Zoning Appeals 2025 Annual Report as presented.

**FISCAL IMPACT:**

**ATTACHMENTS:**

1. BZA 2025 Annual Report



# Board of Zoning Appeals

## 2025 ANNUAL REPORT TO THE TOWN COUNCIL

Section 15.2-2308 of the Code of Virginia states:

*The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.*

### Members

Pam Butler

Term Expires: 12/31/2025

Penny Pairet

Term Expires: 12/31/2025

John Miller

Term Expires: 2/28/2026

Sam Carey

Term Expires: 5/31/2026

Zachary Preston – Resigned 5/8/2025

Term Expires: 2/28/2027

Shaunna Hunter-McKinney

Term Expires: 2/28/2027

### Appointments

Pam Butler – Chairperson

Penny Pairet – Vice Chairperson

### Meetings

The Board of Zoning Appeals met five times in the calendar year 2025.

### 2025 Cases

**BZA25-001** – To consider the appeal of subdivision administrator’s decision filed by Smart Development, LLC, regarding a boundary line adjustment of Tax Map Parcels 37-7-5 and 37-7-5A. Members voted unanimously to deny the appeal.

**BZA25-002** – Request for an eight (8) variance to the 60 foot required front yard setback in the R-3 High Density Residential District as stated in Section 29.22.b (Table 2), to construct an 8’ X 30’ porch onto an existing single family residential dwelling. The 0.106 acre site is located at 515 South Virginia Street on Tax Map Parcel 023A8(14)13 1G. Members voted unanimously to approve the variance request.

- BZA25-003** – Request for a three (3) foot variance to the required 60’ front yard setback in the R-3 High Density Residential District as stated in Section 29-22.b (Table 2), to construct a 5’ X 10’ porch onto an existing single-family residential dwelling. The 0.266 acre site is located at 512 East Second Street on Tax Map Parcel 0023A05(01)13-003A. Members voted unanimously to approve the variance request.
- BZA25-004** – Request for an eight (8) foot and ten (10) foot variance to the 25 foot required front yard setback in the B-2 Transitional Commercial District as stated in Section 29-22.b (Table 2), to construct an addition to the existing building. The 0.422 acre site is located at 208 North South Street on Tax Map Parcels 0023A04(23)01-005, 0023A4(23)01-003, 0023A04(23)01-002. Members voted unanimously to approve the variance request.
- BZA25-005** – Request for a seven (7) foot variance to the 15 foot side yard setback in the R-1 Low Density Residential District as stated in Section 29-22.b (Table 2), to construct a rear porch. The 0.193 acre site is located at 604 Second Avenue on Tax Map Parcel 0023A07(10)00-002. Members voted unanimously to approve the variance request.
- BZA25-006** – Request for a variance to the allowed number of freestanding signs per road frontage to construct a 6’ tall illuminated directional sign in the B-3 Highway Commercial District. The site is located at 2004 South Main Street on tax map parcel number 0037000(08)00-001. Members voted unanimously to deny the variance request.

### **Goals and Objectives for the Coming Year**

- Request that Town Council continue to budget for two Board of Zoning Appeals members to attend the Certified Board of Zoning Appeals Program that is conducted through the Land Use Education Program (LUEP) at Virginia Commonwealth University. Staff estimates that the combined cost for two members in 2026 would be \$2,000.
- Prepare and submit the 2026 annual report to Town Council.



# Town of Farmville

## Agenda Item Summary

**MEETING DATE:** April 8, 2026

**ITEM NUMBER:** 16.a. – 2.2-3711 A.1. Discussion and consideration of a prospective candidate for appointment to the Tree Board

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**BACKGROUND:** Mr. Mayor, I move that the Farmville Town Council convene in closed meeting pursuant to the Code of Virginia, in accordance with the provisions of paragraph A.1 of Section 2.2-3711, Discussion and consideration of a prospective candidate for appointment to the Tree Board.

### CERTIFICATION OF CLOSED MEETING

WHEREAS, the Farmville Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Farmville Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Farmville Town Council hereby certifies that, to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Farmville Town Council.

**RECOMMENDATION:**

**FISCAL IMPACT:**

**ATTACHMENTS:** None