

February 23, 2009

**KILMARNOCK TOWN COUNCIL
Monday, February 23, 2009
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

Mayor Smith called the Regular Meeting to order at 7:00 pm with the following Councilmembers present:

Dr. Curtis H. Smith, Mayor
Gary L. Anderson
Howard Straughan

Paul Jones, Vice-Mayor
John A. Smith
Barbara Robertson

Absent:

Rebecca Nunn

Staff Present:

Paul C. Stamm, Jr., Town Attorney
Susan Cockrell, Community Dev. Strategist
Marshall Sebra, Zoning Adm., Asst. Town Mgr.
Jackie Blencowe, Town Clerk
Joan Kent, Transcriber
M. S. Bedell, Chief of Police

Mayor Smith welcomed Kilmarnock residents, business owners, and guests. Mayor Smith led the recital of the Pledge of Allegiance.

2. Acceptance and Approval of Agenda

ACTION: Councilmember Smith made a motion to accept the agenda for the February 23, 2009, Town Council meeting, seconded by Councilmember Robertson; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held January 26, 2009.

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Vice-Mayor Jones noted an error on page 7 in regards to the motion that was made at the bottom of that page. Mr. Jones stated that the motion was made by Councilmember Smith and seconded by Councilmember Robertson.

ACTION: Councilmember Smith made a motion to approve the January 26, 2009, Regular Town Council Meeting Minutes with the correction to page 7, seconded by Councilmember Robertson; and carried unanimously.

4. Public Comments

Mayor Smith invited members of the audience to address Council with any issues or concerns that were not scheduled for public hearing or discussion on the agenda. Mayor Smith asked that comments be limited to 3 minutes per person.

A. Mr. Tim Winstanley of 22 Noblett Lane, Kilmarnock, VA, questioned if funds had been put aside by the Town for the installation of sidewalks and bike paths. Mr. Winstanley said that he had been told by some of his neighbors that bike paths from Kilmarnock to Irvington and then down to White Stone had previously been budgeted for. Mr. Winstanley, who is employed by RGH, stated that he rode his bike to work on a daily basis and would like to see sidewalks extended toward the Industrial Park and trails and pathways along Harris drive.

Mayor Smith replied that in regards to the extension of sidewalks towards Harris Road, the Town could not do anything at all until the stoplight at the intersection had been completed. Mayor Smith advised that the bike paths were a county initiative which he believed had elapsed. Mayor Smith referred Mr. Winstanley to the County Administrator, Mr. Bill Pennell.

Assistant Town Manager Sebra replied that some time had elapsed in regards to the county's overall plans but noted that he had actually attended a meeting during the past week in regards to extending a bike trail from Irvington to Kilmarnock. Mr. Sebra advised that a bike trail was also being planned from Irvington Road down Harris Road. Mr. Sebra said that he did not have a timeline as to when these projects would be finished because they would be constructed in phases.

5. Presentations

A. Audit Report: Andrew Grossnickle of Robinson, Farmer, Cox & Associates

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Mr. Grossnickle gave a brief overview of the Town's financial statement for the fiscal year which ended June 30, 2008, and advised that in terms of the audit the Town had received a clean report with no deficiencies detected.

B. Planning Commission Report: Gary Anderson, Council Liaison

Councilmember Anderson reported that the Community Development Block Grant was discussed. Mr. Anderson explained that the CDBG was a relationship that the Town had entered into with the Commonwealth of Virginia to extend water/sewer services to places assumed under the boundary line adjustment of 4/30/07 with concentration on South Main Street. On a subsequent subject, Mr. Anderson said that the Planning Commission had recommended that Town Council accept the text amendment to the Flood Plain Ordinance and that the public hearing on the text amendment would be held during the next month's Town Council meeting. Mr. Anderson reported that Town Attorney Stamm led an interesting discussion in regards to the funding available through the federal stimulus package. Mr. Anderson advised that Planning Commission members made recommendations to Chairman Booth whereas they felt that the number one priority for any available funding should be water/sewer, then the continuation of Main Street revitalization and lastly sidewalks in general.

Town Attorney Stamm advised that it was the recommendation of the Planning Commission to appoint W. Leslie Kilduff, Jr., to fill Frank Tomlinson's vacant seat on the Board of Zoning Appeals. Mr. Stamm stated that if Council were in agreement then he would prepare the order and present their request to the Circuit Court Judge.

ACTION: Councilmember Anderson made the motion to submit the name of Mr. W. Leslie Kilduff, Jr., to the Circuit Court Judge for appointment to the Kilmarnock Board of Zoning Appeals, seconded by Councilmember Smith; and carried unanimously.

6. Public Hearings:

There were no public hearings scheduled.

7. Committee Reports

A. Water/Sewer Committee: Councilmember Anderson, Chair

1) Report from February 4, 2009 Meeting

Councilmember Anderson reported that the Town was operating on a very old system called the Shreiber System, which had never been maintained by the company that designed and installed it. Mr. Anderson advised

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that the Water/Sewer Committee, in conjunction with the Admin/Finance Committee, was recommending that the Town enter into contract with Shreiber LLC for a complete maintenance job on the system for the amount of \$12,000. Mr. Anderson stated that an overhaul of the system had not been done in the past ten years.

B. Streets/Sidewalks/Playground Committee: Councilmember Nunn,
Chair

1) Report from February 5, 2009 Meeting.

There was no meeting held.

Due to Councilmember Nunn's absence, Mayor Smith read a written statement prepared by Mrs. Nunn in regards to the previous playground vandalism. The statement was: It is important for the citizens of Kilmarnock to know that the juveniles who were involved in the recent playground vandalism will be undergoing a full diversion under the direction of the Juvenile Probation Officer of Lancaster County. While the children will not have a "record" as such, if any of them get into trouble in the future, the Intake Officer of the jurisdiction where the offense occurs will know that the perpetrator was involved in an earlier situation. It is hoped that this diversion will be helpful to both the children and to their parents and will deter future behavior of this sort. The playground is a very popular area particularly for young children and the Town wishes this to be a safe place for all area children to play.

Mayor Smith stated that the Town had agreed to put rubber mulch down at the playground. However, Mayor Smith noted that they did not purchase enough and were waiting for the final shipment. Mayor Smith advised that additional safety measures were being discussed.

C. Police/Public Safety Committee: Vice-Mayor Jones, Chair

Vice-Mayor Jones advised that a copy of the monthly police report was in each Councilmember's packet. Mr. Jones stated that Mr. Todd, who lived at the intersection of First Street and Church Street, had attended the meeting to complain about vehicles speeding in his neighborhood. Mr. Todd had also requested that sidewalks be installed in that area. Mr. Jones advised that Chief Bedell and his officers had increased patrol in that area to deter speeding and the sidewalk issue was being referred to the Streets/Sidewalks Committee. Vice-Mayor Jones said that he personally would like to see the sidewalks installed there. Mr. Jones hoped that in future budgets, money would be set aside once again for sidewalks. On a final note, Mr. Jones said that Chief Bedell had applied for and received a \$5,000 grant to purchase a hand-held radar unit.

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D. Emergency Preparedness Committee: Councilmember Anderson, Chair

There was no meeting held.

E. Economic Development Committee: Councilmember Smith, Chair

There was no meeting held.

F. Administration/Finance Committee: Vice-Mayor Jones, Chair

1. Action Items:

a. Joint recommendation with Water/Sewer Committee for approval to hire Shreiber LLC as described in their offer dated January 21, 2009, in the amount of \$12,000 to be taken from the Water/Sewer Fund Account.

ACTION: Councilmember Anderson made a motion to authorize Town Staff to enter into a contract with Shreiber LLC in the amount of \$12,000 to be taken from the Water/Sewer Fund Account, seconded by Councilmember Smith; and carried unanimously.

b. Joint recommendation with Water/Sewer Committee for staff to continue with the Community Development Block Grant process by procuring engineering and planning consultants.

ACTION: Councilmember Anderson made a motion to authorize Town Staff to continue with the Community Development Block Grant process by procuring engineering and planning consultants, seconded by Councilmember Straughan; and carried unanimously.

c. Approve Disbursements from January 26, 2009 to February 23, 2009

ACTION: Vice-Mayor Jones made a motion to approve the disbursements from January 26, 2009, to February 23, 2009, seconded by Councilmember Robertson; and carried unanimously.

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8. Administrative Comments and Reports

A. Update on the Mary Ball Road Neighborhood CDBG: Asst. Town Mgr. Sebra

Assistant Town Manager Sebra reported that a formal management team meeting was held last week and an advisory committee had been formed. Mr. Sebra stated that the Town was moving forward with the application process, which had to meet an April 8th deadline. Mr. Sebra advised that a resolution had to be formally adopted in regards to this issue as well as a public hearing held.

B. Update on the 2009 Trolley Program: Comm. Dev. Strategist, Susan Cockrell

Community Development Strategist, Susan Cockrell, advised that a copy of the 2009 Trolley Program was included in each Councilmember's packet. Ms. Cockrell introduced Mrs. Pat Saunders, the Bay Transit Regional Transportation Supervisor, and her daily contact for Bay Transit. Ms. Cockrell stated that the trolley would be making the one-hour trip between the three communities in the lower end of the county as usual and noted that rider usage was up 26 percent from 2007. Ms. Cockrell advised that, due to the cutbacks in federal and state funding that Bay Transit had endured, the Town had reduced its hours of operation so that the cost would remain the same. Ms. Cockrell said that the Town would maintain its regular schedule but would be cutting out some of the extras.

9. Old Business

Vice-Mayor Jones asked Assistant Town Manager Sebra if the contract between the Town and Metrocast Communications was still in effect.

Assistant Town Manager Sebra advised that he was somewhat confused on that issue and was not familiar with the history of the contract. Mr. Sebra noted that reading through the paper work, he was under the impression that the contract was still valid at this point.

Town Attorney Stamm advised that some time back, Council had passed a resolution allowing Metrocast to assume the Cable First franchise. Mr. Stamm noted that the current franchise was still in place and that Metrocast would send notice and their resolution when necessary.

Assistant Town Manager Sebra said that a letter received by the Town from Metrocast advised that the contract was valid until August 2011. Mr. Sebra said that the letter also stated that they had a process to follow for renewal and would be contacting the Town again within a few months in regards to that procedure.

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Vice-Mayor Jones stated that there was a discussion at the Admin/Finance Committee meeting about switching from Kaballero to another company that offered a better deal and then charging the old company rent for the use of the Town's water towers. Mr. Jones stated that the Admin/Finance Committee would research this idea further and report at the next Council meeting.

10. Council Comments

Councilmember Smith requested that Council enter into Closed Session to discuss applicants for the Town Manager position.

Mayor Smith called for a 5-minute recess at 7:45 pm.
Council called back into Regular Session at 7:51 pm

11. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (7) Legal Counsel and Para (1) Personnel.

ACTION: Councilmember Smith made a motion to enter into Closed Session as allowed by FOIA 2.2- 3711 (A) Para (7) Legal Counsel and Para (1) Personnel, seconded by Councilmember Straughan; and carried unanimously.

Council entered into Closed Session at 7:51 pm.
Regular Meeting reconvened at 8:36 pm.

12. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (7) Legal Counsel and Para (1) Personnel.

ACTION: Councilmember Smith made a motion to certify that the Closed Session was held IAW FOIA 2.2-3711(A) Para (7) Legal Counsel and Para (1) Personnel, seconded by Councilmember Robertson; and carried unanimously by roll call.

Anderson, Gary L. – yes
Jones, Paul S. – yes
Robertson, Barbara – yes
Smith, John A. – yes
Straughan, Howard – yes
Smith, Curtis H. - yes

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13. Adjournment

ACTION: Councilmember Smith made a motion to adjourn, seconded by Councilmember Robertson; and carried unanimously.

Meeting adjourned at 8:37 pm.

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk