

March 16, 2009

**KILMARNOCK TOWN COUNCIL
Monday, March 16, 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
Rebecca Nunn

Absent:

Barbara Robertson

Staff Present:

Marshall Sebra, Zoning Adm., Asst. Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Susan Cockrell, Community Dev. Strategist
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

Mayor Smith requested that the agenda be amended to include a discussion in regards to BZA appointments under Administrative Comments.

ACTION: Councilmember Smith made a motion to accept the agenda for the March 16, 2009 Town Council meeting as amended seconded by Councilmember Anderson; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town

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Council Meeting held February 23, 2009.

ACTION: Vice-Mayor Jones made a motion to approve the February 23, 2009 Regular Town Council Meeting Minutes as presented seconded by Councilmember Smith; 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. Charles Cox of P.O. Box 531, Kilmarnock, VA, stated that as a representative of the study area on Mary Ball Road for the Community Development Block Grant he wanted Council to know that things were going well and thanked them for their support.

5. Presentations

A. Planning Commission Report: Gary Anderson, Council Liaison

Councilmember Anderson advised that the March Kilmarnock Planning Commission meeting was cancelled.

6. Public Hearings:

A. Floodplain Overlay Ordinance

The public hearing was held in order to solicit public input on text amendments made to the Town of Kilmarnock Floodplain Overlay Ordinance.

1. Mayor Smith opened the public hearing.
2. Mayor Smith asked for Staff Comments.

Assistant Town Manager Sebra advised that certain amendments had to be made to the Town of Kilmarnock's Floodplain Overlay Ordinance in order to comply with FEMA guidelines. Mr. Sebra stated that a copy of the ordinance, along with the proposed changes, was included in each Councilmember's packet. Mr. Sebra said that with these changes town residents could easily obtain flood insurance if they desired. Mr. Sebra finalized by saying that the Kilmarnock Planning Commission had recommended that Council accept the text amendments as presented.

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3. Mayor Smith asked for public comments.

There were no public comments.

4. Mayor Smith closed the public hearing.
5. Mayor Smith asked for Council discussion and/or action.

ACTION: Councilmember Straughan made the motion to accept the text amendments to Town of Kilmarnock Floodplain Overlay Ordinance as presented, seconded by Councilmember Anderson; and carried unanimously.

7. Committee Reports

- A. Water/Sewer Committee: Councilmember Anderson, Chair

1. Report from March 4, 2009 Meeting

Councilmember Anderson reported that the meeting was well attended and that the committee had three recommendations to make to Council.

- a. Recommend that Council approve the purchase of a new generator for Harvey Lane sewer lift station.

ACTION: Councilmember Smith made a motion to approve the purchase of a generator for the Harvey Lane lift station, seconded by Councilmember Straughan; and carried unanimously.

- b. Recommend that Council approve the engineering work to replace the Mablewood Road sewer line at a cost not to exceed \$14,400 to be taken from the Water/Sewer Fund.

ACTION: Councilmember Smith made a motion to approve the engineering work to replace the Mablewood Road sewer line at a cost not to exceed \$14,400 to be taken from Water/Sewer Fund Account, seconded by Councilmember Straughan; and carried unanimously.

- c. Recommend Council consider upgrading the proposed 2.5" water line on Mary Ball Road to a permanent 8" line. The modification would be a difference of roughly \$10,000.

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Councilmember Anderson said that the cost difference between replacing a 2.5" line with 8" line was not that much and that two fire hydrants would be installed on that section of Mary Ball Road. Mr. Anderson noted that both Mr. Curry and Mr. Cox had been instrumental in getting the community's support in regards to the CDBG, and they were in favor of the upgrade as well.

ACTION: Councilmember Nunn made a motion to upgrade the waterline on Mary Ball Road from 2.5" to 8" line as recommended by the Water/Sewer Committee, seconded by Councilmember Smith; and carried unanimously.

d. Hospital Well Development

Councilmember Anderson reported that the Town was in a position whereas something had to be done about the hospital well. Mr. Anderson stated that he and Councilmember Nunn had met with the engineers and were recommending that the final steps be taken so the project could be put out for bid. Mr. Anderson said that the Town had to build an extension to the existing building, purchase a new pump and then do the necessary plumbing to get the well back on line. Mr. Anderson advised that Pat Chenoweth and James Seagle had provided good ideas in terms of design and that staff was willing to take on the responsibility of building the roof for the structure in order to cut down on the cost. Mr. Anderson anticipated a total cost of \$245,000.

Councilmember Straughan stated that the Town had the money for the project even though it had not been budgeted for. Mr. Straughan said that he had spoken with Mr. Andrew Grossnickle to ensure that funds could be transferred to the appropriate account. Mr. Straughan felt that this project was urgent as well.

ACTION: Councilmember Nunn made a motion to transfer \$250,000 from the Town's Reserve Account to the Water/Sewer Building Account, seconded by Councilmember Straughan; and carried unanimously.

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

1. Report from March 5, 2009 Meeting.

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Councilmember Nunn stated that as the result of the March meeting, the Streets/Sidewalks/Playground Committee also had recommendations to make to Council.

a. Recommend that Council approve the 2009 Holiday Lighting Plan

Councilmember Nunn advised that due to the situation whereas the holiday decorations were not put up in a timely fashion last year, the committee prepared a 2009 Holiday Lighting Plan which was included in each Councilmember's packet. Mrs. Nunn stated that the plan allowed for all of the decorations to be up by Thanksgiving night and the possibility of hosting a lighting ceremony that evening.

ACTION: Councilmember Smith made a motion to accept the 2009 Holiday Lighting Plan as presented, seconded by Councilmember Straughan; and carried unanimously.

b. Recommend that Council install streetlights on Black Stump Road

Councilmember Nunn advised that the committee wanted to recommend that streetlights be installed on Black Stump Road but has since discovered that funding was not available at this time.

c. Recommend that Council have the Main Street island closest to Irvington Road removed and filled to match surrounding pavers.

Mrs. Nunn referred other Councilmembers to pictures included in their packets that showed damage to the Main Street island located closest to Irvington Road. Mrs. Nunn advised that the island was really torn up and stated that the electrical wires were torn out as well. Mrs. Nunn said that it was the committee's recommendation that the island be removed completely and the area filled in with herringbone pavers.

Mayor Smith asked if the island could be reduced in size instead of completely removed.

Councilmember Nunn replied that the committee felt that it should be completely removed because it was constantly getting hit from every angle.

Vice-Mayor Jones stated that the island could not be replaced with pavers but would have to be replaced with stamped asphalt instead.

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Town Attorney Stamm advised that staff would have to seek approval from VDOT before removing the island.

ACTION: Councilmember Straughan made a motion that, subject to VDOT approval, the damaged Main Street island closest to Irvington Road be removed and replaced by stamped asphalt, seconded by Councilmember Smith; and carried unanimously.

d. Money for new Holiday Lighting and Decorative Flags

Councilmember Nunn advised that Vice-Mayor Jones had discovered \$5,000 in the budget that could be used for holiday flags, banners and new seasonal decorations.

e. Complaints concerning unsightly properties.

Councilmember Nunn stated that she had received several complaints about a residence located on Roseneath Avenue. The owner of the residence said that he was fixing the house up, but Mrs. Nunn advised there was no evidence that he had applied for any permits to do so. Mrs. Nunn stated that the garage of the residence was full of trash and posed a danger of drawing rodents. Mrs. Nunn noted that on two occasions, water was pouring from the residence and flowed into Grace Episcopal Church parking lot where it froze causing citizens who were attending a funeral to almost slip and fall. Mrs. Nunn said that there were other homes and businesses within the Town that were unsightly as well and stated that the Streets Committee was recommending that a list of these places be composed and letters sent to their owners urging them to do some spring cleaning. As far as the house on Roseneath Avenue, Mrs. Nunn felt that the Health Department should be contacted to view the residence.

Town Attorney Stamm stated that the Lancaster County Building Department would have jurisdiction over these matters, not the Health Department.

Mrs. Nunn replied that Council had requested that the Building Department be contacted concerning the Roseneath property in January and asked if it had been done.

Assistant Town Manager Sebra replied that he had spoken to Mr. Steve Daum, the Lancaster County Building Inspector, in regards to the property on Roseneath. Mr. Sebra stated that the Town could continue to request help from the County or act on its own by using the Town's own zoning ordinance in regards to public nuisances. Mr. Sebra said that he would send a letter to the property owner and start the process.

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Mayor Smith said that he had also received complaints about Faulkner's old gas station and felt that something needed to be done about that.

Assistant Town Manager Sebra replied that issue was a little more complicated than the first and he would check into what needed to be done.

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.

D. Emergency Preparedness Committee: Councilmember Anderson, Chair

There was no meeting was held.

E. Economic Development Committee: Councilmember Smith, Chair

There was no report.

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

1. Report from March 6, 2009 meeting.

Vice-Mayor Jones reported that the committee worked on the budget which was taking a great deal of time. Mr. Jones said that the committee also discussed the Kaballero agreement which would be addressed at a later date. Mr. Jones stated that the committee had made several recommendations to Council.

a. Recommend that Council approve the updated Town Personnel Policy from Springsted and have it distributed to employees.

Vice-Mayor Jones stated that each Councilmember had received a booklet which included the updates.

Councilmember Nunn stated that recently when there was an incident regarding administrative leave pay, the former Town Manager had told her that one of the reasons the employee's administrative leave pay had been used up was because she had transferred the leave to the employee's pay check on a routine basis when the employee had left early, come in late, or had to leave for a doctor's appointment. Mrs. Nunn said that the former Town Manager had told her that this practice had been going on in the Town for years. Mrs. Nunn stated that if this statement was true then it had to be stopped immediately and wanted to know if the auditors were aware of this practice and if it was legal.

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Town Attorney Stamm replied that it was legal. Mr. Stamm stated that when an employee had administrative or annual leave, they could take time off and still get paid. In other words, Mr. Stamm said that if an employee desired to take eight hours of accumulated administrative leave to go to a doctor's appointment then they would still be paid. However, if they took off 8 hours to go to a doctor's appointment but had no time accumulated then they would not be paid.

Mrs. Nunn wanted to ensure that each employee would have to acknowledge that they had received their copy of the Personnel Policy as well as any updates in the future with their signature.

ACTION: Councilmember Nunn made a motion to have the updated Town Personnel Policy distributed to employees, seconded by Councilmember Smith; and carried unanimously.

b. Approve Disbursements from February 23 to March 16, 2009

ACTION: Councilmember Smith made a motion to approve the disbursements from February 23, 2009 to March 16, 2009, seconded by Vice-Mayor Jones; and carried unanimously.

c. Heating and Air for Town Hall

Vice-Mayor Jones stated that the committee discussed the heating and air situation at the Town Hall and noted that he hated to put any money into the building but knew that something had to be done.

Assistant Town Manager Sebra stated that he had received four estimates from different companies ranging from \$10,000 to \$14,000.

ACTION: Vice-Mayor Jones made a motion that staff be allowed to spend an amount not to exceed \$15,000 for heating and air repairs for the Kilmarnock Town Hall, seconded by Councilmember Smith; and carried unanimously.

8. Administrative Comments and Reports

A. Request from Bay Aging: Asst. Town Mgr., Marshall Sebra

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Assistant Town Manager Sebra stated that he had received a letter from Bay Aging requesting that the Town donate \$1500 to the Meals on Wheels program to help defray cost for their services to Town residents. Mr. Sebra said that a copy of the letter was included in each Councilmember's packet.

Mayor Smith asked Mr. Sebra to send Bay Aging a reply stating that the Town would entertain putting their request in the upcoming budget.

B. Request from Mr. Todd for sidewalks to be installed on Town Centre Drive (formerly known as First Street).

Assistant Town Manager Sebra stated that he had referred this request to the Streets/Sidewalk Committee and a copy of the letter was included in each Councilmember's packet.

C. Mary Ball Road CDBG Update

Assistant Town Manager Sebra advised that he attended a meeting in Richmond with K. W. Poore & Associates which went very well. Mr. Sebra stated that the proposed project was well accepted and praised for its simplicity. Mr. Sebra said that the next steps for the project would be discussed under New Business.

D. BZA: Term Expiration for BZA Member.

Assistant Town Manager Sebra advised that Mr. Donnie Walker, whose term was about to expire on the BZA, was seeking reappointment.

ACTION: Councilmember Smith made a motion for the Town Attorney to recommend to the Circuit Court Judge that Mr. Donnie Walker be reappointed to the Kilmarnock Board of Zoning Appeals; seconded by Councilmember Straughan; and carried unanimously.

9. Old Business

There was no discussion regarding old business.

10. New Business

A. Mary Ball Road Neighborhood Improvement Project (CDBG)

1. Special Town Council Meeting to be held on March 31, 2009 at 7:00 pm for the purpose of:

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- a. Public Hearing on the CDBG issue.
- b. Adopt a Resolution for submission of the 2009 Community Improvement Grant (CIG) application to the Virginia Department of Housing and Community Development.
- c. An update from the consultant K.W. Poore & Associates

ACTION: Councilmember Nunn made a motion to advertise for and hold a Special Town Council Meeting on March 31, 2009 at 7:00 pm at the Kilmarnock Town Hall for the purpose of holding a public hearing in regards to the Mary Ball Road Neighborhood Improvement Project (CDBG), seconded by Councilmember Smith; and carried unanimously.

11. Council Comments

Mayor Smith stated that he and Community Development Strategist, Susan Cockrell, had attended the White Stone and Irvington Town Council meetings whereas both Councils had agreed to contribute \$500 towards the cost of the operation of the trolley.

12. Adjournment

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

Meeting adjourned at 7:50 pm

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk