

April 20, 2009

**KILMARNOCK TOWN COUNCIL
Monday, April 20, 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
Barbara Robertson
Rebecca Nunn

Absent:

John A. Smith

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 regarding the provision of water services to the community ballpark.

ACTION: Vice-Mayor Jones made a motion to accept the agenda for the April 20, 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 March 16, 2009 and the Special Town Council Meeting held March 31, 2009.

ACTION: Vice-Mayor Jones made a motion to approve the March 16, 2009 Regular Town Council Meeting Minutes as presented, seconded by Councilmember Anderson; and carried unanimously.

ACTION: Vice-Mayor Jones made a motion to approve the March 31, 2009 Special Town Council Meeting Minutes as presented, seconded by Councilmember Anderson; 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.

There were no public comments.

5. Presentations

A. Planning Commission Report: Gary Anderson, Council Liaison

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

B. National Safe Boating Week-Proclamation to be presented to the U.S. Coast Guard Auxiliary: Dr. Curtis H. Smith, Mayor

Mayor Smith presented a proclamation to Brian McArdle, Flotilla 33 Vice-Commander U.S. Coast Guard Auxiliary and S. Wallace Dawson, Flotilla 33 Commander U.S. Coast Guard Auxiliary in support of the goals of the North American Safe Boating Week Campaign and United States Coast Guard Auxiliary Flotilla 33, proclaiming May 16-22, 2009 as National Safe Boating Week and the start of the year-round effort to promote safe boating.

6. Public Hearings:

There were no public hearings.

7. Committee Reports

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A. Water/Sewer Committee: Councilmember Anderson, Chair

1) Report from April 1, 2009 Meeting

Councilmember Anderson reported that during the April meeting the committee discussed the need for an alarm system for the WWTP and the need to jet a sewer line on Waverly Avenue. Mr. Anderson advised that the committee was making the following recommendations to Council:

2) Committee Recommendations to Council

a. Recommend that Council approve the purchase of an alarm system for the WWTP as shown on the attached quote from Commonwealth Engineering & Sales in the amount of \$16,000.

ACTION: Councilmember Straughan made a motion to approve the purchase of an alarm system for the WWTP from Commonwealth Engineering & Sales for the amount of \$16,000, seconded by Councilmember Anderson; and carried unanimously.

b. Recommend that Council approve the jetting of a sewer line on Waverly Avenue by Tri-State Utilities to be performed in the near future at an estimated cost of approximately \$3,500.

ACTION: Councilmember Straughan made a motion to approve the jetting of a sewer line on Waverly Avenue by Tri-State Utilities for the cost of approximately \$3,500, seconded by Councilmember Nunn; and carried unanimously.

c. Recommend that Council approve the provision of water services to the community youth ballpark on Irvington Road.

Councilmember Anderson stated that one other issue discussed at the meeting was providing water services to the youth ballpark. Mr. Anderson turned the floor over to Councilmember Nunn to elaborate.

Councilmember Nunn stated that she and James Seagle met with Mr. Welby Saunders at the youth ballpark in regards to this request. Mrs. Nunn advised that the Lancaster youth ballpark was one of the premier ball diamonds in the state and last year hosted the state tournament which brought approximately 1600 people to Kilmarnock. Mrs. Nunn said that due to donations the infield was covered with beautiful Bermuda grass that was cut and cared for by

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Mr. David Donofrio. Mrs. Nunn said that the club now had enough money to seed the outfield but did not have enough water to care for it via sprinkler system. Mrs. Nunn stated that the club had made a request to tie on to Town water only. Mrs. Nunn advised that Mr. John Ed Franklin had offered to tunnel under an adjacent driveway, lay the pipe, and make the connection to Town water free of charge. Mrs. Nunn stated that Mr. Saunders had requested that the Town give the youth ball club a break on the connection fee. Mrs. Nunn said that she thought it would be great public relations if the Town did not charge a hook-up fee since the cost would be minimal and they would be paying the commercial rate for usage which was estimated at 1 million gallons the first year and 500,000 gallons each year thereafter. Mrs. Nunn said that she would like to put this in a form of a motion.

Councilmember Anderson stated that Town Attorney Stamm had conducted research on this issue and he would like to hear from him before a motion was made.

Town Attorney Stamm stated that under an irrigation arrangement, the hook-up fee was only \$945 and the youth ball club would be charged for water usage under irrigation rates as opposed to commercial rates, which would be billed on four cycles a year. Mr. Stamm said that in speaking with Mr. Saunders he felt that the ball club was in agreement with this and that the matter was resolved thanks to Town Clerk, Jackie Blencowe, who was of great assistance to him.

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

1) April 2, 2009 meeting was cancelled.

2) Other Committee Business

a. South exit at the Lancaster Public Library.

Councilmember Nunn stated that Councilmember Anderson had alerted her to a problem at the south exit of the public library. Mrs. Nunn said that the problem was that there was no apron at the exit and cars were going into the ditch. Mrs. Nunn advised that she contacted Mr. Harper with VDOT who agreed to repair the problem since they were already working on School Street, only to have it recur almost immediately. Mrs. Nunn stated that Mr. Harper then contacted her and advised that it was the library's problem and that he would have someone from the Land Use Department give her a call. Mr. Harper advised that plans had to be drawn up and a permit obtained from the Town in order to fix the problem which would be costly and the library's responsibility. Mrs. Nunn said that she had notified the Director of the Library, Lindsay Gardner, who in turn passed the information on to the library committee.

b. Main Street Medians

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Councilmember Nunn stated that during the last Council meeting there was a discussion concerning removing the Main Street island closest to Irvington Road; however, VDOT would not allow this to be done. Therefore, Mrs. Nunn advised that the median would be covered in concrete instead. Mrs. Nunn said that she thought it was a shame that the Town spent so much money on the medians and they looked so awful. Mrs. Nunn felt that they were in need of some nice seasonal and year-round plants. Mrs. Nunn advised that due to liability issues the garden clubs and school students would not be able to adopt the medians for planting as she had first hoped.

Mayor Smith was in agreement with Councilmember Nunn and asked how much she thought it would cost to purchase the plants needed.

Councilmember Nunn replied approximately \$500.

Councilmember Robertson suggested Knock Out Roses.

ACTION: Councilmember Straughan made a motion to approve an expenditure not to exceed the amount of \$500 for plants for the islands on Main Street, seconded by Councilmember Robertson; and carried unanimously.

Vice-Mayor Jones volunteered to take on the responsibility of having the curb fixed on the damaged island.

c. Unsightly Properties

Councilmember Nunn advised that a letter was sent to the owner of 44 Claybrook Avenue giving him 15 days to remove a vehicle from the premises and 10 days to clean up the trash and debris on the property and thus far he had only removed two old refrigerators. Mrs. Nunn stated that letters also needed to be sent to the property owner on Roseneath Avenue and to the owner of the old gas station on Main Street. Mrs. Nunn said that several meetings ago she had asked Town Attorney Stamm to get in touch with the County Building Inspector in regards to these properties and asked if he had.

Town Attorney Stamm replied that both he and Acting Town Manager Sebra had spoken with Mr. Daum but stated there wasn't anything that he could do.

Vice-Mayor Jones stated that he had spoken with the owner of the old gas station located on Main Street who said that he was planning to tear the building down.

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Councilmember Nunn advised that Mrs. Fannie Clingan of 326 Irvington Road, who had complained for over a year about the property next to her, had taken her puppy out for a walk and was aggressively advanced upon by a wild animal, either a weasel or fox, that came out from under the condemned house next door. Mrs. Nunn stated that something needed to be done about that property for everyone's safety. Mrs. Nunn said that she contacted Assistant Town Manager Sebra about this problem, and he advised her that the Town could not do anything except make the property owner cut the grass if it was too high. Mrs. Nunn asked if the Town of Kilmarnock had adopted the Virginia Maintenance Act.

Town Attorney Stamm replied that the Town had not.

Councilmember Nunn stated that under that act the County Building Inspector could be called upon to inspect the properties. Mrs. Nunn said that the local governing body would set a fee for the inspections and under Mr. Daum's authority, given to him by the Virginia Maintenance Act, the properties would have to be cleaned up. Mrs. Nunn requested that Assistant Town Manager Sebra investigate the Virginia Maintenance Act further and report back on his findings at the next Council meeting so the Town could consider adopting it.

Town Attorney Stamm replied that the reason the condemned property had been boarded up was because the owner had received a visit from Mr. Steve Daum and that was all that could be done under his authority. Town Attorney Stamm advised that the County Board of Supervisors would have to be the body that adopted the Virginia Maintenance Act.

Councilmember Nunn replied that according to her research every municipality could adopt it.

Town Attorney Stamm stated that Mr. Daum was a County employee and the Town could not tell him what to do.

Councilmember Nunn again requested that Town Attorney Stamm and Assistant Town Manager Sebra research the Virginia Maintenance Act and report back to Council on their findings.

Assistant Town Manager Sebra replied that he had never heard of it and stated that the Town already had the capability of using the county building official.

Councilmember Nunn stated that the Virginia Maintenance Act gave the county building official more authority and that under this act he could make the condemned property owner tear the building down or pay to have it torn down.

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Town Attorney Stamm advised that he would take a look at it and report back at the next Council meeting.

d. Unsafe Conditions by Sara Brown's Beauty Salon

Councilmember Nunn stated that she had received several complaints about unsafe conditions on South Main Street near Sara Brown's Beauty Salon. Mrs. Nunn stated that it was difficult for drivers to see oncoming traffic when leaving Mr. Sisson's driveway or the beauty shop's driveway and entering Main Street due to the cars parked in front of the beauty shop. Mrs. Nunn said that she spoke with Mr. Harper from VDOT who advised her that the Town could request that there be no parking in front of the beauty shop. Mrs. Nunn stated that she thought the request should be made for safety purposes.

Town Attorney Stamm advised that if the Town requested that there be no parking in front of the beauty shop, then there would be no parking in front of the Church, his business or the doctor's office because the Town could not single out one business.

Councilmember Robertson stated that it was difficult on Sunday mornings for her to exit her driveway onto Church Street as well but agreed with the Town Attorney that one business should not be singled out.

Mayor Smith requested that staff invite Mr. Sean Trapani with VDOT to attend the next Council meeting for guidance on the issue.

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

1. Report from April 13, 2009 meeting.

Vice-Mayor Jones advised that a copy of the monthly police report was in each Councilmember's packet. Mr. Jones thanked Chief Bedell for applying for and receiving a grant from Wal-Mart in the amount of \$2,500, which would be used for new police radios.

D. Emergency Preparedness Committee: Councilmember Anderson, Chair

There was no meeting held.

E. Economic Development Committee: Councilmember Smith, Chair

1. Report from April 15, 2009 Meeting

Councilmember Straughan reported that Mr. George Beckett gave a presentation on the wine trail that would be coming through Lancaster

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County. Mr. Straughan stated that Ms. Susan Cockrell would be following up on the issue to see if the Town should support the endeavor.

2. Committee Recommendation to Council

a. Recommend that Council support a regional approach to travel marketing.

Community Development Strategist Susan Cockrell advised that there was an effort to reorganize the Northern Neck Tourism Council under the Northern Neck Planning District Commission, which had an economic development arm. Ms. Cockrell stated that there was an effort under way to revitalize the Northern Neck Travel Commission and to have all of the towns and counties participate in that effort. Ms. Cockrell said that additionally they would market the special events in Lancaster County under travellancastercounty.com. Ms. Cockrell advised that the Industrial Development Authority had provided the seed money for the county and that it was the Town's Economic Development Committee's recommendation that Council endorse the concept of regional travel marketing.

ACTION: Councilmember Straughan made a motion to support the regional approach to travel marketing, seconded by Councilmember Anderson; and carried unanimously.

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

1. Report from April 15 meeting.

Vice-Mayor Jones reported that the committee worked on the budget. Mr. Jones stated that the committee also discussed switching Internet service providers and entering into contract with Northern Neck Wireless.

Assistant Town Manager Sebra stated that the Town's contract with Kaballero had expired and a letter of finalization had been sent by the former Town Manager last September. Mr. Sebra said that another Internet service provider had offered their services to the Town and a final draft of their agreement would be completed in the upcoming week. Mr. Sebra advised that he sent a subsequent letter to Kaballero requesting the removal of their equipment from the Town's towers. As the result of that letter, Kaballero has requested an opportunity to provide the Town with an offer as well. Mr. Sebra stated that both offers would be presented to the Admin/Finance Committee at next month's meeting.

On a different issue, Vice-Mayor Jones asked Council if they wanted to contract out the grass cutting in the medians approaching the Town limits or

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continue to have it maintained by Town staff. Mr. Jones said that he was concerned about the employees' safety.

Mrs. Nunn said that the employees should continue to cut it.

2. Committee Recommendations to Council

a. Recommend that Council review and approve the Operating Budget Constraints and the Capital Improvement Budget Plan.

Councilmember Straughan read the recommendations from the Admin/ Finance Committee in regards to the Operating Budget Constraints and the Capital Improvement Budget five-year plan, a copy of which was included in each Councilmember's packet. (See Attachment) Mr. Straughan stated that the Admin/ Finance Committee was not seeking any action from Council at this time.

b. Recommend that Council approve the disbursements from March 16, 2009 to April 20, 2009.

ACTION: Councilmember Nunn made a motion to approve the disbursements from March 16, 2009 to April 20, 2009, seconded by Councilmember Robertson; and carried unanimously.

8. Administrative Comments and Reports

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

Assistant Town Manager Sebra showed Council the application, which was very thick in terms of size and advised that it had been submitted.

B. Main Street island at Irvington Road Intersection

Discussed previously.

9. Old Business

Councilmember Nunn advised that she had drafted performance evaluation forms for Town of Kilmarnock employees. Mrs. Nunn recommended that Council evaluate the Town Manager, Town Attorney, Town Clerk and Town Treasurer. The Town Manager would conduct evaluations on the supervisors of each department and on other personnel. Mrs. Nunn stated that she was glad to hear that there would not be any raises in 2010 and recommended that after 2010, should Council decide to give raises, that they be given only after performance

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evaluations had been done and on the anniversary date of the employee's initial hiring.

Councilmember Straughan disagreed with Council evaluating the Town Clerk and the Town Treasurer and stated that he did not think anyone on Council could truly evaluate the Clerk or Treasurer because they were not present for the day to day operation of the Town Office.

Councilmember Anderson requested that any further discussion concerning personnel and performance evaluations be done in closed session.

Mayor Smith asked Councilmembers to review the forms and tabled the issue until the next meeting.

10. New Business

A. Resolution: Addition and abandonment of the connection of Route 1042 at Route 688.

Assistant Town Manager Sebra advised that a copy of the Resolution was included in each Councilmember's packet.

ACTION: Councilmember Nunn made a motion to approve the Resolution in regards to the addition and abandonment of the connection of Route 1042 at Route 688 as presented, seconded by Councilmember Straughan; and carried unanimously.

11. Council Comments

Mayor Smith stated that he would not be present for the next Council meeting, which would be chaired by Vice-Mayor Jones. Mayor Smith advised that he would be on an official visit to Kilmarnock Scotland.

12. Adjournment

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

Meeting adjourned at 7:50 pm

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Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk