

May 18, 2009

**KILMARNOCK TOWN COUNCIL
Monday, May 18, 2009
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

Vice-Mayor Jones called the Regular Meeting to order at 7:05 pm with the following Councilmembers present:

Paul Jones, Vice-Mayor
Gary L. Anderson
Howard Straughan

Barbara Robertson
Rebecca Nunn

Absent:

*Amended by Town Council 6/15/09

Dr. Curtis H. Smith, Mayor: *On official Town business-visiting Kilmarnock Scotland
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

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

2. Acceptance and Approval of Agenda

ACTION: Councilmember Straughan made a motion to accept the agenda for the May 18, 2009 Town Council meeting as presented, seconded by Councilmember Anderson; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held April 20, 2009 and the Special Town Council

May 18, 2009

Meeting held May 7, 2009.

ACTION: Councilmember Anderson made a motion to approve the April 20, 2009 Regular Town Council Meeting Minutes as presented, seconded by Councilmember Straughan; and carried unanimously.

ACTION: Councilmember Straughan made a motion to approve the May 7, 2009 Special Town Council Meeting Minutes as presented, seconded by Councilmember Robertson; and carried unanimously.

4. Public Comments

Vice-Mayor Jones 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. Vice-Mayor Jones 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 reported that the Planning Commission discussed the Capital Improvement Budget, which received their recommendation for approval.

B. Introduction of New Town Manager - Mr. Tom Saunders

Vice-Mayor Jones introduced and welcomed the new Town Manager, Mr. Tom Saunders, who will officially begin June 1, 2009.

Mr. Saunders stated that he was excited about his new position and thanked Council for having faith in him. Mr. Saunders advised that his office door would always be open to the citizens of Kilmarnock and that they were welcome at anytime.

6. Public Hearings:

There were no public hearings.

May 18, 2009

7. Committee Reports

A. Water/Sewer Committee: Councilmember Anderson, Chair

- 1) Report from May 6, 2009 Meeting
- 2) Committee Recommendations to Council

a. Recommend that Council award the Mary Ball Road Waterline Extension Project and the Mablewood Street Sewer Replacement Project to Walter Via Enterprises.

Councilmember Anderson reported that the Committee discussed the expedition of the Mary Ball Road water extension and the Mablewood sewer extension. Mr. Anderson advised that Progress Engineers, P.C. selected three contractors who had previously worked for Town of Kilmarnock and had them submit quotes for the two projects. Mr. Anderson stated that the lowest bid was received from Walter Via of West Point. Mr. Anderson advised that the Committee was recommending that Council allow the Town to enter into contract with Walter Via Enterprise for the amount of \$47,400. (See Attachment)

ACTION: Councilmember Straughan made a motion to enter into contract with Walter Via Enterprise for the amount of \$47,400 for the Mary Ball Road Water Extension Project and the Mablewood Street Sewer Extension Project, seconded by Councilmember Anderson; and carried unanimously.

b. Recommend Council's approval for Johnston Inc. to install Atnx Dialog Alarm at WWTP.

ACTION: Councilmember Anderson made a motion to approve the installation of the Atnx Dialog Alarm at the WWTP by Johnston Inc, seconded by Councilmember Nunn; and carried unanimously.

b. Recommend that Council approve having Rain for Rent check the two trash pumps at the plant to verify their condition.

ACTION: Councilmember Anderson made a motion to approve having Rain for Rent check the two trash pumps at the plant to verify their condition, seconded by Councilmember Nunn, and carried unanimously.

May 18, 2009

c. Recommend to Council that Jones Felvey build a lift station to Town Specifications.

ACTION: Councilmember Anderson made a motion that Mr. Jones Felvey build a lift station that would meet Town specifications, seconded by Councilmember Nunn; and carried unanimously.

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

1) May 7, 2009 meeting was cancelled.

2) Other Committee Business

a. Flags

Councilmember Nunn recommended that the U.S. flags be displayed on Main Street from Memorial Day through the 4th of July since June 14th was Flag Day.

Vice-Mayor Jones stated that the flags were not sturdy enough to withstand the wind and weather for a 45-day period.

Ms. Susan Cockrell, Community Dev. Strategist, interjected that the flags were held to the poles with a metal hook and she did not feel that they could withstand the wind for a 45-day period either. Ms. Cockrell advised that staff would take them down after Memorial Day but put them back up for Flag Day and do the same for July 4th.

b. Damaged Asphalt

Councilmember Nunn advised that there was damage to some asphalt on Walnut Court which she reported to Mr. Harper at VDOT. Mrs. Nunn stated that she has not heard back from him yet nor has she heard from the Land Use Department regarding the faulty curbing at the Library.

c. Unsightly Properties

Councilmember Nunn complimented Assistant Town Manager Sebra on the letters that he sent out to property owners enforcing trash removal, grass cutting, etc. Mrs. Nunn advised that a letter needed to be sent to 329 Kinlock in regards to an uncovered car and trash. Mrs. Nunn said that she had been

May 18, 2009

informed that there was a residence on Cedar Lane that had four cars parked in their yard and advised that she would obtain the address for Mr. Sebra.

Councilmember Nunn said that she had spoken to Mr. Harmon with the Lancaster Commonwealth Attorney's Office in regards to the enforcement of the Town's Code regarding the removal of trash, debris and unsafe properties. Mrs. Nunn said that it was Mr. Harmon's opinion that the court would uphold the enforcement and removal of trash and debris that was unsafe or posed a health or safety hazard. Mrs. Nunn stated that she mentioned the issue with 44 Claybrook Avenue and the animal attack that occurred at Irvington Road, and Mr. Harmon stated that he felt both issues if presented would be upheld by the court. Mr. Harmon advised Mrs. Nunn that the County Building Official, Mr. Daum, had the authority to call for the destruction of a building within a certain time limit under the Virginia Maintenance Code. Mr. Harmon also suggested to Mrs. Nunn that she contact the environmental and sanitation employees at the Health Department. Mrs. Nunn said that the Commonwealth Attorney's Office said that they were very happy that the Town of Kilmarnock was seriously beginning to address the problem of debris, trash, old cars and refrigerators in yards, which apparently is a countywide problem.

d. Main Street Medians

Councilmember Nunn advised that Bill of Greenpoint Nursery recommended 68 Verbena plants for the Main Street medians at a cost of \$7.95 each and gave the Town a 10 % discount for a total cost of \$486.54.

Vice-Mayor Jones asked if Greenpoint Nursery would do the planting.

Mrs. Nunn advised that the cost did not include planting and noted that Franklin Carter could do it since he was in charge of buildings and grounds.

e. Unsafe Conditions by Sara Brown's Beauty Salon

Councilmember Nunn stated that in regards to the complaints about the unsafe traffic conditions on South Main Street near Sara Brown's Beauty Salon, Mr. Sebra had contacted Mr. Trapani with VDOT for guidance on the issue but had not received a return call yet.

f. Employee Evaluation Forms

Councilmember Nunn asked Councilmembers to review the employee evaluation form and get back with her on any changes that needed to be made. Mrs. Nunn advised incoming Town Manager Saunders that she would get a

May 18, 2009

copy to him for review. Mrs. Nunn stated that the evaluations needed to be done before the beginning of the fiscal year.

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

1. Report from May 11, 2009 meeting.

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

1. Report from May 11, 2009 meeting.

Councilmember Anderson reported that the committee discussed communications on a federal, state, and local level during an emergency and that he felt reassured by many of Chief Bedell's comments that the Town was prepared.

E. Economic Development Committee: Councilmember Smith, Chair

There was no meeting held.

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

1. Report from May 8, 2009 meeting rescheduled to May 7, 2009

a. Copy of Proposed Five-Year Capital Improvement Plan

Councilmember Straughan advised that a copy of the CIP was included in each Councilmember's packet.

b. Copy of Proposed Budget for FY '09-'10 to be advertised for public hearing and first reading/approval at 06/09 Town Council Meeting. Second reading/adoption will be at a Special Town Council Meeting to be held on Tuesday, June 23, 2009 at 8:30 am at the Town Office.

Councilmember Straughan advised that a copy of the General Budget was included in each Councilmember's packet. A public hearing is scheduled for the June 16, 2009 Council meeting.

2. Committee Recommendations to Council

May 18, 2009

a. Recommend that Council approve the proposed amendment to the Fund Balance Policy.

ACTION: Councilmember Straughan made a motion to approve the amendment to the Fund Balance Policy, seconded by Councilmember Robertson; and carried unanimously.

b. Recommend that Council approve the disbursements from April 20, 2009 to May 18, 2009.

ACTION: Councilmember Straughan made a motion to approve the disbursements from April 20, 2009 to May 18, 2009, seconded by Councilmember Anderson; and carried unanimously.

8. Administrative Comments and Reports

A. K.W. Poore Contract

Assistant Town Manager Sebra sought Council's approval to enter into contract with K.W. Poore for the amount of \$5,350 regarding CDBG. A copy of the contract was included in each Councilmember's packet.

ACTION: Councilmember Straughan made a motion to enter into contract with K.W. Poore for the amount of \$5,350 regarding CDBG, seconded by Councilmember Robertson; and carried unanimously.

B. Internet Service Provider Agreement.

Assistant Town Manager Sebra advised that there were copies of two offers from Internet Service Providers included in each Councilmember's packet. Mr. Sebra sought direction from Council on which offer they wanted to accept.

Councilmember Nunn stated that she recalled a time when Kaballero got a little snippy about having to change a light bulb on one of the towers and felt that the Town should go with Northern Neck Wireless who included this service in their agreement.

ACTION: Councilmember Nunn made a motion to accept the offer from Northern Neck Wireless as the Town's ISP, seconded by

May 18, 2009

Councilmember Straughan; and carried unanimously.

It was the general consensus of Council to allow Kaballero a time period of two weeks to remove their equipment from Town property.

C. Demolition of Town's Accessory Building

Assistant Town Manager Sebra advised that it was staff's intention to have a contractor by June 30th for the demolition of the metal building behind the Town Office.

D. DEQ's Discharge Permit for the WWTP

Assistant Town Manager Sebra advised that he received a letter from DEQ stating that within the next year the Town would have to renew its discharge permit for the treatment plant. A copy of the letter was included in each Councilmember's packet.

9. Old Business

There was no discussion concerning old business.

10. New Business

- A. Report on Zoning Map Error on East Church Street- R-2 instead of R-1
Parcels 23A-41-8(with attached Parcel 8A), 23-A-41-9(with attached
Parcels 9A and 10), 23-A-41-15, 23-A-41-16, and 24-22-F

Town Attorney Stamm advised that the parcels listed above were taken into Town as part of a 1986 boundary line adjustment with the County. Mr. Stamm stated that during that process there was a scriber's error and the parcels were zoned R-1 instead of R-2. Mr. Stamm requested that Council direct the Zoning Administrator to correct the scriber's error and list the parcels as R-2 in Town records.

ACTION: Councilmember Straughan made a motion to direct the Zoning Administrator to correct the scriber's error in regards to the above mentioned properties, and list them as R-2 zoning in Town records, seconded by Councilmember Anderson; and carried unanimously.

11. Council Comments

May 18, 2009

There were no Council comments.

12. Adjournment

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

Meeting adjourned at 7:45 pm

Prepared by:

Joan N. Kent

Paul Jones, Vice-Mayor

Jacqueline L. Blencowe, Clerk