

June 21, 2010

**KILMARNOCK TOWN COUNCIL
Monday, June 21, 2010
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
Paul Jones, Vice-Mayor
Howard Straughan
John A. Smith

Randy Moubray
Rebecca Nunn
Barbara Robertson

Staff Present:

Tom Saunders, Town Mgr.
Marshall Sebra, Town Planner/Asst. Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Susan Cockrell, Community Dev. Strategist
Jackie Blencowe, Town Clerk
Joan N. Kent, Transcriber
Michael 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: Vice-Mayor Jones made a motion to accept the agenda for the June 21, 2010 Town Council meeting, seconded by Councilmember Smith; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held May 17, 2010.

ACTION: Councilmember Nunn made a motion to approve the May 17, 2010 Regular Town Council Meeting Minutes, seconded by

June 21, 2010

**Councilmember Straughan; and carried
unanimously.**

4. Public Comments and Presentations

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. Public Forum

There were no participants in the public forum.

B. Presentations

Planning Commission Report: Councilmember Nunn, Council Liaison

Councilmember Nunn reported that the Planning Commission Meeting for the month of June was cancelled.

5. Public Hearing:

Text Amendments to the Town of Kilmarnock Floodplain Overlay Ordinance

The purpose of the hearing was to solicit public input on text amendments made to the Town of Kilmarnock's Floodplain Overlay Ordinance for conformity with state and federal guidelines.

1) Description of proposed text amendments

Town Planner Sebra advised that a staff report on the proposed amendments was included in each Councilmember's packet. Mr. Sebra stated that for the first time, FEMA had mapped the Town of Kilmarnock for the Floodplain Ordinance and with that came the need for the proposed text amendments to the Town's ordinance for conformity with state and federal guidelines. Mr. Sebra said that the purpose of this ordinance was to ensure that those Town residents who were interested in obtaining flood insurance could do so.

2) Mayor Smith opened the public hearing.

3) Mayor Smith asked for public comments.

There were no public comments.

4) Mayor Smith closed the public hearing.

June 21, 2010

5) Mayor Smith asked for Councilmember's discussion and/or action.

Councilmember Nunn advised that the Planning Commission had recommended that Council approve the proposed amendments to the Floodplain Overlay Ordinance with the corrections that they had pointed out to Mr. Sebra during their last meeting. Mrs. Nunn said that Mr. Sebra advised during that meeting that the process to conform with state and federal guidelines had been repeated numerous times, costing the Town advertising fees for the public hearings each time. Mrs. Nunn was in favor of adopting the proposed amendments and getting the matter settled once and for all.

Town Manager Saunders commended Town Planner Sebra on his diligence to see the process through.

ACTION: Councilmember Straughan made a motion to adopt the text amendments pertaining to the Town of Kilmarnock's Floodplain Overlay Ordinance for conformity with state and federal guidelines as presented, seconded by Councilmember Nunn; and carried unanimously.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from June 2, 2010 Meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Smith reported that Mr. Bill Rosenbaum informed the Committee that he had made much progress in the final engineering design of the water and sewer lines and sewer lift station for the CDBG project. Mr. Smith said that Mr. Rosenbaum had received comments from VDOT and thought that both the pump station and water/sewer line portion of the project would be ready to put out for bid by the end of June. Regarding the latest problem in trying to get Well #3 on line, Mr. Smith said that Utility Field Supervisor, James Seagle, reported that the pressure relief valve was either faulty or the wrong part. Mr. Seagle notified Gammon Well who stated that they would replace the part in the coming week. Mr. Smith stated that Mr. Seagle also reported that a pump at the Harvey Lane lift station failed during the week and would have to be replaced at a cost of \$12,000. Mr. Smith said that Town Manager Saunders advised the Committee that the cost would be covered by the sewer department's maintenance

June 21, 2010

budget. Mr. Smith continued by saying that the Town Manager reported that the small Kubota tractor at the WWTP had become inoperable and did not justify repair. Mr. Saunders also told the Committee that the Town's backhoe had become unreliable and needed to be replaced. Mr. Smith said that the Committee recommended that the small tractor be replaced at a cost not to exceed \$18,000 and that the backhoe be replaced with a used one at a cost not to exceed \$45,000.

Vice-Mayor Jones stated that the Town was in desperate need of both a new tractor and a better backhoe. Mr. Jones added that a dump truck was needed as well.

Mayor Smith asked what account would the funds be taken from.

Town Manager Saunders replied that the funds would be taken out of the Capital Budget for Water/Sewer Department.

2) Committee's Recommendations to Council.

a. Purchase a new tractor for the WWTP at a cost not to exceed \$18,000.

ACTION: Vice-Mayor Jones made a motion to purchase a new tractor at a cost not to exceed \$18,000 to be taken out of the Capital Budget for the Water/Sewer Department, seconded by Councilmember Moubray; and carried unanimously.

b. Purchase a used backhoe for the Utilities Department at a cost not to exceed \$45,000.

ACTION: Vice-Mayor Jones made a motion to purchase a used backhoe at a cost not to exceed \$45,000 to be taken out of the Capital Budget for the Water/Sewer Department. Motion was seconded by Councilmember Moubray; and carried unanimously.

Mayor Smith commented that he was disappointed that the issue with the water/sewer line on Harris Road was not straightened out during his term and asked Councilmember John Smith and the Water/Sewer Committee to keep it in mind after his term ended.

Town Manager Saunders advised that the Water/Sewer Committee had met early in the month and noted that there had been a few developments since that time that he wanted to share with Council. Mr. Saunders

June 21, 2010

stated that an agreement was in place with the Bank of Hampton Roads regarding the pump station that would serve the CDBG project and Grace Hill. Mr. Saunders said that the request for proposals for the pump station would go out in the upcoming week's paper. Mr. Saunders noted that the valve on well #3 had been replaced and that Mr. Seagle would attempt to get the well on line when he returned from vacation. Mr. Saunders reported that the lab at the WWTP had been certified by the state to perform its own water test. Mr. Saunders stated that the certification was arduous but noted that Chief WWTP Operator Pat Chenoweth and Mr. Rosenbaum guided the Town through the process. Mr. Saunders noted that this achievement would save the Town the expense of having to have the samples tested elsewhere.

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

1) Report from June 10, 2010 Meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Robertson stated that she was unable to attend and asked Town Manager Saunders to inform Council what took place at the meeting.

Town Manager Saunders reported that the Town had received a bid from C.W. Davis Co. for \$101,000 for the sidewalk/bike path along Town Centre Drive. However, during the meeting with VDOT, it was discovered that changes had to be made in order to meet their specifications. Mr. Saunders said that he was in negotiation with VDOT regarding those specifications, and as soon as they were made clear the project would be advertised once again for bids. Mr. Saunders advised that the Town was now a part of the "Assign a Highway" program, which was run out of the Northern Neck Regional Jail. Mr. Saunders said that the program assigned offenders with community service tasks such as picking up trash along local roadways. Mr. Saunders reported that 43 bags of trash were collected from School Street, Harris Road and Mary Ball Road from the north and south entrances to Town. Mr. Saunders advised that VDOT's attempt to clean the streets during the day with a street sweeper was not very successful. However, they returned a week later during the night and did a very good job. Mr. Saunders said that the Committee had discussed the possibility of the Town purchasing a small machine of its own sometime in the future for this task.

Mayor Smith inquired about the damaged curbing in front of Lee's Restaurant.

Town Manager Saunders replied that it was a VDOT issue and Mr. Harper said that they would get it fixed.

June 21, 2010

Councilmember Nunn advised that she had received complaints regarding the Town signs posted at the entrances of Kilmarnock. Mrs. Nunn said that it was reported to her that one of the signs looked as if it had been hit and some of the others were in need of maintenance.

Town Manager Saunders replied that he would check into it.

Councilmember Robertson advised that Mr. Mike Christopher who lives on Bellevue Road told her that he had reported on several occasions that vines were growing over the streetlight located on the steep curve by his residence.

Town Manager Saunders replied that was a VDOT issue but said that he would check into it as well.

Mayor Smith asked Town Manager Saunders if he would also ask VDOT to cut the hedgerow at the end of Hatton Avenue when he discussed the other issues with them.

2) Committee Recommendations to Council

There were no recommendations.

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

1) There was no meeting held.

A copy of the monthly police report was included in each Councilmember's packet.

2) Committee Recommendations to Council.

There were no recommendations.

D. Emergency Preparedness Committee: Councilmember Smith, Chair

1) There was no meeting held.

2) Committee Recommendations to Council

There were no recommendations.

E. Economic Development Committee: Councilmember Nunn, Chair

June 21, 2010

- 1) There was no meeting held.
- 2) Committee Recommendations to Council

There were no recommendations.

F. Town Centre Committee: Councilmember Nunn, Chair

- 1) There was no meeting held.
- 2) Committee Recommendations to Council.

There were no recommendations.

G. Administration/Finance Committee: Councilmember Straughan, Chair

- 1) Report from June 4, 2010 meeting.

A copy of the Committee meeting notes was included in each Councilmember's packet.

Councilmember Straughan reported that the Committee received an update on Robinson, Farmer, Cox's assessment of the Town's financial condition. Mr. Straughan advised that the Committee also discussed at length the new requirement imposed by the state that the Town had to pass a resolution in order to pay an employee's contribution towards their VRS if they were hired after July 1, 2010. Mr. Straughan noted that the Town was doing this for current employees and the Committee felt that it should be continued for any new persons hired. Mr. Straughan advised that Lancaster County would be making their decision regarding this issue at an upcoming meeting on Thursday night but said that Northumberland had already met and decided to make the contributions. Mr. Straughan reiterated that the Committee felt that the Town should do the same for all employees.

Councilmember Nunn said that the Town had a hiring freeze on and there could be no new positions filled.

Mr. Straughan stated that this would be applied to any replacement and felt that it was only a matter of nickels and dimes. Mr. Straughan advised that this issue might benefit a Town that had a thousand employees or so but not a Town the size of Kilmarnock. Mr. Straughan recommended that the Council pass the resolution and keep things as they are. Mr. Straughan said that this option can be changed each year and the newly seated Council may see fit to do so but for now he felt that any new employee should be treated the same as the others.

June 21, 2010

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from May 17, 2010 to June 21, 2010.

ACTION: Vice-Mayor Jones made a motion to approve the disbursements from May 17, 2010 to June 17, 2010 as presented, seconded by Councilmember Smith; and carried unanimously.

b. Recommend that Council adopt resolution regarding Plan 2 VRS employee contribution.

ACTION: Councilmember Straughan made a motion to adopt the resolution regarding Plan 2 VRS employee contributions, seconded by Councilmember Smith; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Pump Station Update

Discussed earlier in the meeting.

B. Mary Ball Road CDBG Project Update: Town Planner Sebra

Town Planner Sebra reported that currently the project was on schedule and that the community was very pleased with how everything had been going. Mr. Sebra said that the Rehab Advisory Board had approved nine applications and three of the homes would start undergoing the rehab process within the month. Mr. Sebra advised that he had been sending out newsletters on the project on a regular basis and had provided Council with a copy of one which pertained to Lee's Barber Shop. Mr. Sebra stated that it was not eligible for rehab because it was a business and not a home. However, Mr. Sebra said that the community saw it as a historical landmark and decided to take on the makeover task themselves. Mr. Sebra advised that two businesses within Town, Eubanks and Wal-Mart, had donated paint, weather stripping, an air conditioner, blinds, ceiling lights, etc. to help fix up the structure. Mr. Sebra stated that this event would be taking place on June 28th through June 30th and he was looking for volunteers including Councilmembers. Mr. Sebra said that Mr. Joe Curry had made arrangements with a church in Richmond, VA, to paint the exterior of the structure. Mr. Sebra finalized by saying that all in all everything concerning the project was moving along quite well.

June 21, 2010

Councilmember Straughan commended Town Manager Saunders for working out the deal with the Bank of Hampton Roads regarding the pump station issue and commented that it saved the Town a lot of money.

Councilmember Nunn stated that she knew the well at Springwood was not on line yet but advised that she went into a few of the homes and commented that they were very nice starter homes.

Town Manager Saunders advised that in fact the pump station for Springwood was on line but the generator had not been tested yet. Mr. Saunders said that Mr. Felvey had closings on two of the homes.

C. Water Quality Report and Cross Connection Questionnaire: Comm. Dev. Strategist Cockrell

Comm. Dev. Strategist, Susan Cockrell, advised that the water quality report was an annual requirement by the Commonwealth of Virginia and was a statement of all things tested throughout the year. Ms. Cockrell noted that the Town was currently in compliance as it had been in the past. Ms. Cockrell explained that cross connections were circumstances where the consumer was connecting something within their water piping that could come back and enter into the public water system. Ms. Cockrell advised that back in the 70's it became well known through the EPA that the country needed to start monitoring cross connections or back flows. Ms. Cockrell stated that there was a need to make sure if there was a loss of pressure on the public water system that something couldn't be sucked out of the consumer side and fed back into the public distribution system. Ms. Cockrell said that as a result the cross connection control program was put into place. Ms. Cockrell commented that it started at the EPA and trickled down to the state and to the towns that had their own water systems. Ms. Cockrell explained that what that meant was that periodically the Town will have to poll all of its water users to determine who is at medium to low to high risk of having a cross connection issue. Ms. Cockrell continued by saying that typically industrial users, baptismal pools, and mortuaries have a high degree of water usage and the potential for back flow and cross contamination. Ms. Cockrell advised that the residential units primarily being focused on were ones with irrigation systems and swimming pools. Ms. Cockrell noted that the first step for the Town is sending out a questionnaire with the water quality report to every citizen asking them to respond by checking the appropriate box if they have a series of certain things. Ms. Cockrell said that the questionnaires will be used to build a database of all the thousand plus users to make sure that they all have the right valve controls on their systems.

D. Newly Elected Officials Conference in July

Town Manager Saunders stated that he wanted to point out that there was a VML Conference in July for newly elected officials and noted that one

June 21, 2010

of the new Councilmembers had already signed up. Mr. Saunders said that the annual VML Conference this year would be the first weekend in October and would be held in Hampton, VA.

E. Future Nature Trail: Town Planner Sebra

Town Planner Sebra advised that a staff report regarding the future nature trail was included in each Councilmember's packet.

Mr. Sebra stated that there had been discussions with the Committee concerning the construction of a nature trail on a piece of property donated to the Town by an anonymous individual. Mr. Sebra noted that it was more than a discussion at this point because it was actually evolving. Mr. Sebra advised that the Committee had requested that the trail be named after Dr. Richard Baylor, which he thought was a good idea. Mr. Sebra stated that in their packet Councilmembers would find a map, letters of support, and a grant application where he had applied for a small grant to help with signage. Mr. Sebra advised that he had worked up a rough budget for the amount of \$28,000 for the project. Mr. Sebra noted that the Audubon Society was in support of the project and said that it would eventually be listed with other trails throughout the state.

Mayor Smith asked if there was an observation deck proposed for the project.

Mr. Sebra stated that there was an opportunity to have at least one observation deck located in the middle of the marsh that overlooked hundreds of yards of natural environment.

Mayor Smith replied that one of the things that came to his mind was naming the observation deck after Mr. and Mrs. Emerson Russell because Mrs. Russell was a member of and very active in the Audubon Society and Mr. Russell was a Councilmember.

Mr. Sebra advised that could be a possibility. Mr. Sebra said that the nature trail could possibly get going sooner rather than later because there was an old logging road on the premises and other portions had already been cleared. Mr. Sebra advised that Town Attorney Stamm had already started on the legal aspects of the project. Mr. Sebra stated that what was needed from Council at this time was a motion showing the desire to accept the land, use it as a nature trail, and to name the trail after Dr. Richard Baylor.

Councilmember Straughan stated that he thought that the Town had already made a motion to accept the property.

Town Attorney Stamm replied that Mr. Straughan was correct but what was required now was a motion regarding the name.

June 21, 2010

Town Planner added that a plat was included in each Councilmember's packet.

ACTION: Councilmember Straughan made a motion to name the nature trail in honor of Dr. Richard Baylor, seconded by Vice-Mayor Jones; and carried unanimously.

F. Staff Promotion: Town Manager Saunders

Town Manager Saunders said that Mr. Marshall Sebra had more than he could do with his duties as Planning Director, Zoning Administrator, Code Enforcement Official, and overseer of the CDBG (Community Development Block Grant) project. Mr. Saunders stated that when things pop up unexpectedly he has had to turn repeatedly to Ms. Susan Cockrell for assistance. Therefore, Mr. Saunders stated that he was promoting Ms. Cockrell to Assistant Town Manager effective July 1st in recognition of the role that she had been playing for the last nine months or so.

Town Manager Saunders stated that he would like to say to those Councilmembers who were leaving, that he enjoyed working with them and that as a unit they were a very wise Council who had an amazing dedication to the Town of Kilmarnock. He finalized by saying thank-you and Godspeed.

8. Old Business

Fiscal Year 2010/2011 Budget – Second Reading

ACTION: Councilmember Smith made a motion to accept the second reading of the Fiscal Year 2010/2011 Budget as presented, seconded by Councilmember Nunn; and carried unanimously.

Councilmember Nunn asked Town Manager Saunders if they were supposed to post numbers at the end of the published budget showing what everything added up to.

Town Manager Saunders replied that he was not aware of that requirement.

Councilmember Nunn stated that when citizens read it in the paper, they couldn't get a grip on the bottom line.

June 21, 2010

Councilmember Straughan said that they were publishing everything that the state required them to but agreed with Mrs. Nunn by saying that it was not a clear document.

Town Manager Saunders stated that Mr. Straughan was correct in saying that the Town was publishing what was required by the state but noted that he would be happy to check into the aspect of going further with it and making it more clear for the public.

9. New Business

Request from the city of Staunton, VA, for a resolution in support of changes to Pay Day Lending laws.

A copy of the proposed resolution was included in each Councilmember's packet.

ACTION: Councilmember Nunn made a motion to support the city of Staunton, VA, by adopting the resolution in support of changes to Pay Day Lending laws, seconded by Councilmember Smith; and carried unanimously.

10. Council Comments

Mayor's State of the Town Address

Mayor Smith gave his final State of the Town Address. (See attached summary). Mayor Smith thanked his fellow Councilmembers for their hard work and willingness to make the tough decisions when necessary. Mayor Smith thanked the citizens of the Town of Kilmarnock from the bottom of his heart for the opportunity to serve as Mayor and to work with them to make Kilmarnock an even better place to work and live. Mayor Smith wished the incoming Mayor Raymond Booth well and much success during his term. In addition, Mayor Smith congratulated those who had been elected to serve on Town Council. Mayor Smith thanked Councilmember Barbara Robertson for her service on Council for the last four years, Councilmember Howard Straughan for his two years of service on Council, Councilmember Paul Jones who served as his Vice-Mayor, and Councilmember Rebecca Nunn. Mayor Smith stated that everyone on Council had been wonderful to work with and he greatly appreciated their help.

Councilmember Nunn stated that Council was going to miss Barbara Robertson and Howard Straughan who had been invaluable to the Town with his administrative and financial knowledge as well as their fearless leader, Mayor Smith.

June 21, 2010

Mayor Smith replied that Mr. Straughan had been a wonderful asset to the Town.

Councilmember Straughan stated that he had enjoyed being on Council and would miss it very much.

Councilmember Robertson stated that she was glad for the experience most of which was enjoyable.

11. Adjournment

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

Meeting adjourned at 8:00 pm

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk