

May 11, 2010

**KILMARNOCK PLANNING COMMISSION**  
**Tuesday May 11, 2010**  
**Town Hall**  
**Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order**

Chairman Booth called the regular meeting to order at 7:00 pm with the following members present:

Raymond Booth, Chair  
William Smith  
Dave Reedy

Claudia Williamson, Vice-Chair  
Steve Bonner  
Rebecca Nunn, Council Liaison

Members Absent:  
Jane Ludwig

Staff Present:  
Marshall Sebra, Assistant Town Manager/ Planning Director  
Paul C. Stamm, Jr., Town Attorney  
Joan N. Kent, Transcriber

**2. Recognition of Guests:**

Chairman Booth welcomed Kilmarnock residents, business owners and guests.

**3. Acceptance of the Agenda**

**ACTION: Vice-Chair Williamson made a motion to accept the May 11, 2010 Planning Commission meeting agenda as presented, seconded by Commission Member Smith; and carried unanimously.**

**4. Public Forum**

Chairman Booth opened the public forum by inviting members of the audience to voice their concerns or ideas in regards to planning issues. Each speaker was limited to 3 minutes.

There were no participants in the public forum.

**5. Minutes: Approve, Correct or Amend the Minutes for the March 9, 2010 Planning Commission Meeting.**

**ACTION: Commission Member/Council Liaison Nunn made a motion to approve the minutes for the March 9, 2010 Planning Commission meeting as presented, seconded by Vice-Chair Williamson; and carried unanimously.**

**6. Public Hearings**

A. Kilmarnock's Floodplain Overlay Ordinance

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

1. Description of text amendments form staff

Assistant Town Manager/ Planning Director Sebra advised that a staff report was included in each Commission Member's packet. Mr. Sebra stated that the Department of Conservation and Recreation Floodplain Management Division had requested certain text amendments to the ordinance, which were printed in red ink. Mr. Sebra explained that the red text in italics was to be added whereas the red text with a line drawn through the center was to be deleted. Mr. Sebra advised that the purpose of adopting this ordinance was so that the Town could be included in the National Flood Insurance Program. Mr. Sebra commented that the ordinance was necessary even though there was very little property in Town that fell within the floodplain category. Mr. Sebra noted that the quest to become included in the National Flood Insurance Program began under former Town Manager Capps but the state had literally dropped the ball on several occasions. Mr. Sebra stated that it was his intent to see it through this time.

2. Chairman Booth opened the public hearing.

3. Chairman Booth asked for public comments.

There were no public comments.

4. Chairman Booth closed the public hearing.

5. Chairman Booth asked for Commissioner's comments and/or action.

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Commission Member Smith advised that on page 10 under Section 4, the text should read - Note: This section is a slightly higher standard than what is required by law.

Vice-Chair Williamson advised that on page 3 under (f) Flood or Flooding, the parenthesis should be removed from (a) in the last sentence of number 2.

Commission Member/Council Liaison Nunn stated that she thought that the (a) Vice-Chair Williamson was referring to was the (a) under 54-500 General Provisions.

Vice-Chair Williamson stated that the section was confusing and needed clarification.

Mr. Sebra agreed and stated that he would get clarification on that section.

Vice-Chair Williamson asked Mr. Sebra how the date of September 17, 2010 on page 4 under section (j) came about.

Mr. Sebra replied that the date coincided with the time that the Town's maps would be adopted by FEMA.

Vice-Chair Williamson advised that there was a typographical error on page 6 in the last sentence of the first paragraph, which was a continuation from page 5. The word 'through' needed to be replaced with the word 'thorough'. Mrs. Williamson continued by saying that on the bottom of page 8, the (i) should have been an (n). Mrs. Williamson advised that on page 9 under Section 3- Specific Standards the sentence read "all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to 54-503, Section 4(a), the following provisions shall apply". Mrs. Williamson asked why the information was not included in Section 3 instead of having to move forward to Section 4 to find it.

Commission Member/Council Liaison Nunn advised that there was no (a) under Section 4.

Vice-Chair Williamson stated that on page 12, under Section 6 - Standards for the Floodway, the first sentence referred to 54-503 Section 4 (a), which had been previously deleted. Mrs. Williamson said that she felt the errors needed to be brought to the state's attention.

Assistant Town Manager/Town Planner Sebra was in agreement with Vice-Chair Williamson and noted that once the minutes from the Town Council meeting were approved regarding this issue, they would be

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forwarded to FEMA for adoption and consideration into the program therefore the amendments needed to be correct.

Commission Member/Council Liaison Nunn asked if the situation that occurred at the Palmer Building would fall under Section (f), Subsection 1b on page 3.

Town Attorney Stamm replied that the source of the flooding had to be from a natural disaster and not from a manmade act of negligence.

Chairman Booth complimented Mr. Sebra by saying that he had put forth great effort in resolving this time consuming issue. Mr. Booth said that he recognized the quantity and quality of Mr. Sebra's work.

**ACTION: Commission Member/Council Liaison Nunn made a motion to recommend to Town Council that the text amendments to the Floodplain Overlay Ordinance be adopted contingent to the corrections recommended by the Planning Commission, seconded by Commission Member Smith; and carried unanimously.**

## **7. Commissioner Comments**

Commission Member Bonner congratulated Chairman Booth on winning the Mayoral Election. Mr. Bonner stated that he had no doubt that Mr. Booth would do an excellent job in moving the Town forward and representing all of the people.

Chairman Booth commented that he was flattered that he had won the election and by the margin of the victory. Mr. Booth stated that he would do everything possible to maintain the goals and principles on which he ran.

## **8. Old/ Unfinished Business**

There was no discussion under Old/ Unfinished Business.

## **9. New Business**

### **A. Zoning Log Report**

The zoning log report was included in each Commission Member's packet.

### **B. Upcoming Appointments to the Planning Commission**

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Assistant Town Manager/ Town Planner Sebra stated that in light of the recent Town Council election there would be two vacant seats on the Planning Commission. Mr. Sebra asked if any Commission Member had a recommendation for appointment that they wanted to make to Council.

Town Attorney Stamm advised that any recommendations should reach the Town Council by their June meeting so that the newly appointed Planning Commission Members can take their seat in July.

Chairman Booth stated that he thought that the new Town Council should vote on the appointments at the July meeting.

Commission Member Bonner recommended that Mr. Dennis Boslow and Ms. Lindsay Gardner be appointed to fill the vacancies on the Planning Commission and that the vote by Town Council regarding the appointments be deferred until their July 2010 meeting.

**ACTION: Commission Member Bonner made a motion to recommend to Town Council at the July 2010 Town Council meeting that Mr. Dennis Boslow and Ms. Lindsey Gardner be appointed to fill the vacancies on Kilmarnock Planning Commission, seconded by Commission Member/ Council Liaison Nunn; and carried unanimously.**

## 10. Adjournment

**ACTION: Commission Member Smith made a motion to adjourn, seconded by Commission Member/ Council Liaison Nunn; and carried unanimously.**

Meeting adjourned at 7:35 PM

Prepared by:

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Joan N. Kent

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Raymond Booth, Chair

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