

August 16, 2010

**KILMARNOCK TOWN COUNCIL
Monday, August 16, 2010
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

Mayor Booth called the Regular Meeting to order at 7:00 pm with the following Councilmembers present:

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|---------------------------|---------------|
| Raymond Booth, Mayor | Randy Moubray |
| William Smith, Vice-Mayor | Rebecca Nunn |
| Shawn Donahue | John A. Smith |
| Paul S. Jones | |

Staff Present:

Tom Saunders, Town Mgr.
Susan Cockrell, Asst. Town Mgr., Comm. Dev.
Paul C. Stamm, Jr., Town Attorney
Jackie Blencowe, Town Clerk
Joan N. Kent, Transcriber
Michael S. Bedell, Chief of Police

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

2. Acceptance and Approval of Agenda

Vice-Mayor Smith recommended that the agenda be amended in order to revisit the committee appointments under Old Business.

ACTION: Vice-Mayor Smith made a motion to accept the agenda for the August 16, 2010 Regular Town Council meeting with the above amendment, seconded by Councilmember Donahue;

Point Of Order:

Councilmember Nunn stated that according to Section 2-87 of the Kilmarnock Town Code, Council was to abide by *Robert's Rules of Order*. Mrs. Nunn advised that during the last Council meeting there were a few areas where the rules were violated. Mrs. Nunn noted that the first area was in the polling of

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votes. Mrs. Nunn advised that votes were to be taken first by voice or a show of hands (the latter being used in small assemblies) except in the case of motions that require a two-thirds vote, when a rising vote should be taken at first. Mrs. Nunn explained that when a division was demanded a rising vote was taken. Mrs. Nunn continued by saying that polling votes were done after a division of an assembly, not during ordinary voting. Mrs. Nunn reminded Mayor Booth that he had stated his intent to conduct polling votes so that citizens would know how a Councilmember voted but because the Town Council was a governing body she felt it was very important to follow *Robert's Rules of Order*.

Mayor Booth referred the Point of Order made by Councilmember Nunn to Town Attorney Stamm for advisement.

Town Attorney Stamm replied that FOIA certification and super majority votes required polling. Mr. Stamm advised that all other votes were handled by "Aye and Nay" or a show of hands.

Mayor Booth stated that his concern was that he wanted the press and audience to be able to determine how individual Councilmembers voted on issues. Therefore, Mayor Booth said that in the future, he would ask for a show of hands, but would request that the hands stay up until the transcriber could record how each Councilmember voted. Mayor Booth felt this was reasonable and in accordance with the rules.

Councilmember Nunn advised that there were six steps to making a motion with the final step being the announcement by the Chair on the number of votes for and against the motion before it could be carried and the announcement of the outcome of the vote.

Mayor Booth stated that he would be glad to do that but wanted to know what was wrong with the transcriber counting the votes.

Town Attorney Stamm replied that the Chairman announced the vote but the recorder counted the votes, which was then transcribed into the minutes.

Mayor Booth thanked Councilmember Nunn for pointing out his error.

Councilmember Nunn stated that she that she had one more Point of Order to address.

Point of Order:

Councilmember Nunn advised that under Article 51 of *Robert's Rules of Order* which deals with ex-officio members of boards and committees, it states that frequently boards and committees contain some members who are members by virtue of their office and, therefore, are termed ex-officio members. Mrs. Nunn

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continued by saying that when such a member ceases to hold the office his membership of the board terminates automatically. Mrs. Nunn stated that if the ex-officio member is under the control of the society, there is no distinction between him and the other members except where the president is an ex-officio member of all committees, in which case it is evidently the intention to permit, not to require, him to act as a member of the various committees and, therefore, in counting a quorum he should not be counted as a member. Mrs. Nunn said that the president is not a member of any committee except by virtue of a special rule, unless he is so appointed by the assembly. Mrs. Nunn advised Mayor Booth that he could not place himself on committees because it had to be done by the Council. Mrs. Nunn added that if it was done by Council, then all committee members must be appointed by the Council. Mrs. Nunn finalized by saying that if he did not want it done that way, then he would be an ex-officio member, which he already was, and, because he was under the authority of the society, he would not have a vote.

Town Attorney Stamm replied that under the Town Code, the Mayor is an ex-officio member of every committee which grants him the right to vote, talk, etc. at any of the meetings but there is no requirement for him to be there. Mr. Stamm said that if the Mayor is appointed by Council to a committee, he is counted as part of the quorum. Mr. Stamm stated that being an ex-officio member did not have anything to do with voting, it had to do with quorum.

Mayor Booth stated that one of the reasons that he preferred to be seated on some of the committees is that there may be cases where he ensures a quorum and the other purpose is because there are certain committees that he intends to be actively involved in. Mayor Booth said that he would abide by the Town Attorney's recommendation but he thought that this point of order should have been made by Councilmember Nunn during the last meeting which would have been the appropriate time. Mayor Booth advised that he would have Council to vote and place him on certain committees and would remain as ex-officio on the others.

Councilmember Nunn advised that Article IV 21 of *Robert's Rules of Order* stated that the question of order had to be raised at the time that the breach of order occurred because after a motion had been discussed, it was too late to raise the question as to whether it was in order or for the chair to rule the motion out of order. Mrs. Nunn said that the only exception was when the action was in violation of the law, the Constitution, the by-laws, the standing rules of the organization (*Robert's Rules of Order*), or the fundamental parliamentary principle so that if adopted it would be null and void. Mrs. Nunn pointed out that in such cases it was never too late to raise a point of order against a motion. Mrs. Nunn stated that this was referred to as raising a question of point of order because the affected member has brought to the attention of the chair, whose duty was to enforce order, the question of whether or not there has been a breach or void. Mrs. Nunn stated that she could not make the point of order at the last meeting because she had

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never heard of anyone appointing themselves to a committee and had to conduct research to determine what was right.

Town Attorney Stamm advised that Mrs. Nunn's Point of Order should be noted.

Mayor Booth stated that he accepted the recommendation of the Town Attorney.

Mayor Booth called for the vote:

The vote to accept the agenda as amended was unanimous.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held July 19, 2010.

Councilmember Nunn asked if it was decided at some point and time by a previous Council that the minutes would be a transcription of the meeting because minutes were only supposed to state what happened and not what everyone said.

Town Attorney Stamm replied that the only forbidden thing with minutes was that the transcriber could not put his or her own thoughts into them.

Councilmember Nunn stated that *Robert's Rules of Order* said that not only was it not necessary to summarize matters discussed at a meeting in the minutes but it was improper to do so. Mrs. Nunn said that minutes were supposed to be a record of what was done in a meeting and not a record of what was said.

Town Attorney Stamm stated that every Town Council meeting has been recorded and the recording has been transcribed.

Vice-Mayor Smith said that it was not part of the minutes, but the notes from the Economic Committee meeting did not show Mayor Booth as being present.

Town Manager Saunders advised that he would make that correction.

Councilmember Nunn noted that on page 18 it read that "Mayor Booth stated that he wanted to refer the matter back to the Streets Committee" which was not grammatically correct. Mrs. Nunn said that the word "back" should be removed from the sentence.

Mayor Booth advised Councilmember Nunn that he would try to do a better job with his English.

Councilmember Nunn said to Mayor Booth that he probably did not say it that way.

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Mayor Booth replied that he probably did.

ACTION: Councilmember Moubray made a motion to approve the July 19, 2010 Regular Town Council Meeting Minutes as amended, seconded by Vice-Mayor Smith; and carried unanimously.

4. Public Comments and Presentations:

A. Public Forum

Mayor Booth 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 Booth asked that comments be limited to 3 minutes per person.

1) Mr. Bill Warren with Partners Foundation gave each Councilmember a packet regarding Mercer Place, which is a project offering affordable rental housing for teachers, nurses and healthcare, law enforcement, municipal and county employees, and community workforce persons. Mr. Warren advised that the lot, which is adjacent to St. Andrews Church, has been cleared but they are waiting for rain before power raking and seeding. Mr. Warren stated that Mercer Place is a 2.1 million dollar project, and the Foundation has raised approximately \$800,000 in cash and acquired a 1.3 million SPARC loan at 3.5% with VHDA. Mr. Warren said the Foundation feels it is important to keep the rent low at \$625 per month. Mr. Warren stated that each unit will have two bedrooms, two bathrooms and be very nice. Mr. Warren said that to date, they had raised most of the money, had the parcel rezoned to R-2, and had the architectural and site plan work completed. Mr. Warren advised that they plan to award the construction contract in late October, begin construction in November, and have the units ready for occupancy by July 1, 2011. Mr. Warren stated that there would be a ground breaking ceremony on November 16th at 11:00 AM and noted that Councilmembers would receive an invitation. Mr. Warren finalized by saying that he appreciated everything that Council had done for Partners Foundation and the project.

2) Mr. Rick Gilbert with the Community Services Board of the Middle Peninsula and Northern Neck stated that he was a Peer Support Specialist in the Warsaw Counseling Center. Mr. Gilbert said that in Warsaw and Gloucester the Community Services Board operates an intensive outpatient program for people who are recovering from substance abuse and alcoholism. Mr. Gilbert advised that approximately 50 percent of their clientele come from the jail or prison system, 30 percent from Social Services and the last 20 percent from doctor and hospital referrals. Mr. Gilbert said that the treatment is four hours a day, three days a week

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for a period of nine weeks. Mr. Gilbert noted that this is not an inexpensive operation to run but said that they are fortunate to have SAARA (Substance Abuse Alcoholism Recovery Alliance) which is a nationwide organization that acts as an umbrella or a 501 to collect funds for people who need to go through the intensive nine-week program. Mr. Gilbert stated that the program is “where the rubber meets the road” in the substance abuse recovery field. Mr. Gilbert wanted to make Council aware of the 4th Annual Walk for Recovery scheduled for September 18th and to offer town and municipal employees, as well as fire and rescue volunteers, a discount from the standard rate. Mr. Gilbert stated that they normally ask for a \$15 donation from the public or a \$25 donation for a family of four but will reduce the rate in hopes that Council will encourage fire, rescue and police to attend because most of them deal with alcoholism and drug abuse on a regular basis. Mr. Gilbert finalized by saying that the main sponsors for the walk are RGH, Bay FM, Rappahannock Record and Wells Fargo.

Councilmember Nunn asked what the route for the walk was.

Mr. Gilbert stated that the walk will begin at Savannah Joe’s and continue through Roseneath Avenue and then back up Route 200. Mr. Gilbert said that the walk is from 10 am to 12 pm with face painting for children, fingerprinting by the sheriff’s office, and a band.

Councilmember Nunn asked if dogs could go on the walk.

Mr. Gilbert replied that they could.

B. Presentations

Planning Commission Report: Councilmember Smith, Council Liaison

Councilmember Smith reported that the newly appointed members of the Planning Commission were present at the meeting. Mr. Smith stated that Dr. Frank Fletcher gave an excellent presentation on Groundwater in the Northern Neck.

Town Attorney Stamm stated that the Planning Commission heard a request for a property on Route 200 to be rezoned from R-1 to R-2. It was their recommendation to Council that the rezoning be granted, and the request would be coming before Council at a later date with a public hearing.

5. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from August 4, 2010 Meeting.

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

Councilmember Smith reported that the Committee discussed the bids received for the Mary Ball Road pump station and afterwards agreed to recommend that Council award the contract to the lowest bidder which was J. Sanders Construction of West Point, VA. Mr. Smith stated that Mr. Bill Rosenbaum reported that the bid documents for the next phase of the MBR project regarding the water and sewer lines from Dilvers Lane to Harris Road were almost ready and would be advertised in late August or early September. Mr. Smith said that Mr. Rosenbaum also advised that the plans for the Mercer Place water line extension were nearly ready and would be bid out in September. Mr. Smith stated that James Seagle reported that there were several active water leaks in Town that were being worked on.

2) Committee Recommendations to Council.

Recommend that Council award MBR pump station construction contract to low bidder, J. Sanders Construction Co. of West Point, VA, for \$334,800.

ACTION: Councilmember Moubray made the motion to enter into contract with J. Sanders Construction Company of West Point, VA, for the amount of \$334,800 for the Mary Ball Road sewer pump station, seconded by Councilmember Nunn; and carried with a 5 to 1 vote in favor of. (Councilmember Jones opposed)

B. Streets/Sidewalks/Playground Committee: Councilmember Donahue Chair

1) Report from August 5, 2010 Meeting.

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

Councilmember Donahue stated that Councilmember Nunn informed the Committee that the playground was being cleaned up and more mulch was being put down. Mr. Donahue said that the Committee also discussed and agreed to recommend that Council proceed with the steps required to have the section of Main Street from James B. Jones Memorial Highway to Harris Road designated as a "No Through Trucks" highway.

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Mayor Booth asked Town Manager Saunders what the next step in this process would entail.

Town Manager Saunders replied that the Town would request that the Lancaster County Board of Supervisors hold a vote and, if they vote in favor of it, a public hearing would be held. Mr. Saunders stated that if a motion was passed then the request would go to VDOT for evaluation and consideration. Mr. Saunders said that the process would take approximately 9 to 10 months to complete with VDOT having the final say. Mr. Saunders stated that one of the requirements was that the Town must be willing to enforce this with local law enforcement.

Councilmember Smith wanted to know if this would pertain to trucks making deliveries in Town.

Town Manager Saunders replied that it would not.

Mayor Booth asked what the citizens on Harris Road thought about this because they were always getting things thrown at them that they did not want like the propane plant.

Councilmember Moubray replied that was what the public hearings would accomplish over the next 9 to 10 months when the citizens would be able to give their input.

Town Attorney Stamm advised that Harris Road was a bypass and created for uses such as this.

2) Committee Recommendations to Council

Recommend that Council pursue “No Through Truck” status for Main Street from James B. Jones Memorial Highway to Harris Road.

ACTION: Councilmember Nunn made the motion to pursue the “No Through Truck” status for Main Street from James B. Jones Memorial Highway to Harris Road, seconded by Councilmember Moubray; and carried unanimously.

Councilmember Donahue stated that the Committee also discussed the renaming of Black Stump Road and was working with the citizens on that road to do so. Mr. Donahue said that six homes were left with a Weems address when the road was closed off from James B. Jones Memorial Highway. Mr. Donahue stated that Ms. Cockrell brought up the issue of net drives and pan handling in

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Kilmarnock. Mr. Donahue advised that the Committee was going to investigate how that issue was being handled in other towns and jurisdictions.

C. Police/Public Safety Committee: Councilmember Donahue, Chair

1) Report from August 9, 2010 Meeting.

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

Councilmember Donahue stated that he was ill and unable to attend the meeting.

Mayor Booth stated that he was present but asked Town Manager Saunders to comment on what was discussed at the meeting.

Town Manager Saunders stated that there was a discussion concerning the fact that a number of officers were using their own personal cell phones for work and if the Town would subsidize them to defray the cost. Mr. Saunders said that all of the radio communication came through Lancaster, and the Town Office would sometimes call the officers on their cell phones as opposed to having to go through Lancaster especially if it was not an emergency call.

2) Committee Recommendations to Council

Recommend that Council reimburse police officers for the use of their personal cell phones while on duty.

Councilmember Nunn said that her husband was a pilot and her daughter was a therapist and, because both of them had to have a cell phone for their work, they were able to write it off on their taxes.

Vice-Mayor Smith replied that the officers could only take advantage of the deduction if they itemized.

Councilmember Donahue asked if there was any record of the calls being given to officers via cell phone.

Chief Bedell replied that once the Town Office called the officer directly, then the officer notified the dispatcher by radio so that there would be a record of the call.

Mayor Booth stated that some localities provide their law enforcement officers with cell phones but the officers were expected to stay within the amount of minutes provided and not download a bunch of extras. Mayor Booth said that what the Committee discussed was an arbitrary fee because there might

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be cases where the use of their own equipment might make the officer run over in minutes and incur the burden of cost. Mayor Booth said that the officers' phones were being used for dual purposes, both personal and professional. Mayor Booth stated that they came to the conclusion to recommend an arbitrary figure of \$20 per month as compensation to the police officers.

Councilmember Nunn asked if there were any part-time police officers.

Chief Bedell responded that there was one, but he was provided with a cell phone by the Northumberland Sheriff's Office.

Councilmember Donahue asked what the county's policy was.

Chief Bedell replied that the county provided their deputies with cell phones.

ACTION: Vice-Mayor Smith made the motion that the Town reimburse the police officers \$20 per month for the use of their personal cell phones, Councilmember Smith seconded the motion;

DISCUSSION:

Councilmember Jones stated that there were other Town employees who had to use their personal cell phones for Town business and felt that if the Town was going to give this reimbursement to one set of employees then it should be given to all.

Councilmember Moubray stated that if the use of their phones was a necessity then he was in agreement.

Councilmember Donahue asked where the Town would draw the line because if there were twenty employees that would equal out to a thousand dollars a month.

Employee P. J. Jones who was seated in the audience said that his supervisor called him on his personal cell phone approximately 10 to 15 times a day during working hours.

Councilmember Nunn said that she has called Franklin Carter on his cell phone.

Mayor Booth asked Councilmember Nunn why she was calling an employee on his phone.

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Councilmember Nunn replied that she called him when she was the chair of the Streets Committee.

Mayor Booth advised Mrs. Nunn that the appropriate measure was to go through the chain of command which was the Town Manager. *Councilmember Nunn said that her phone calls to Franklin Carter were made through the chain of command, with the Town Mgr's knowledge, when Mr. Carter was working with her on a Streets Committee project. At the time, Mrs. Nunn was Chairman of the Streets Committee.

*AMENDED BY COUNCIL 9/20/10
Councilmember Jones reiterated that if this was done for one set of employees then it should be done for all.

Mayor Booth agreed with Councilmember Jones but stated that the current motion on the table only involved reimbursing the police officers at this time.

Councilmember Moubray stated that it needed to be reviewed to see if the personal cell phone use was a necessity or a convenience.

Town Manager Saunders stated that he would be glad to review this issue and bring it back before Council at the next meeting.

Motion withdrawn: Vice-Mayor Smith withdrew his previous motion.

Councilmembers Jones and Nunn stated that for the record they receive business calls from the Town on their cell phones as well.

Mayor Booth asked the Town Manager to address the dropped 911 call since they were still discussing police business.

Town Manager Saunders stated that there was a 911 call placed in late July from a business downtown on a Friday evening and there was no response from an officer. A member of the Lancaster Sheriff's Office conducted a search and found that the call was received while the Town officer was responding to another call. Mr. Saunders said that a third call came in during that time and when the Town officer cleared off of the first call, the dispatcher sent him to the third one and overlooked the second call.

Mayor Booth asked if there was an investigation regarding a similar incident in White Stone.

Town Manager Saunders replied that he did not have any information on that incident.

D. Emergency Preparedness Committee: Councilmember Moubray
Chair

1) Report from August 10, 2010 Meeting.

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

Councilmember Moubray stated that Scott Hudson had invited the Town to participate in a test of the emergency communication system that would be held in late October. Mr. Moubray said that Mr. Hudson also reported that the county and the Town were in compliance with the FCC after a recent audit. Mr. Moubray stated that the Middle School would not be serving as an emergency shelter due to a generator issue that would not be corrected until the end of the year. Mr. Moubray said that in the meantime, the YMCA would serve as the emergency shelter.

2) Committee Recommendations to Council

Councilmember Moubray advised that there were no recommendations to Council

E. Economic Development Committee: Vice-Mayor Smith, Chair

1) Report from August 10, 2010 meeting

Vice-Mayor Smith stated that there were three areas discussed during the committee meeting. Mr. Smith said that one area was a recommendation from Councilmember Donahue concerning the advertising and marketing of the Town in different brochures. Mr. Smith advised that the Town currently had a budget of approximately of \$4000 for this and since advertising was very expensive the Committee was trying to decide where the Town would get the most coverage for its money. Mr. Smith said that under the recommendation of Councilmember Nunn, the Committee had almost finalized "Welcome Packets" for new businesses and residents. Mr. Smith stated that the third item discussed came from Councilmember Nunn concerning an organization called International Council for Local Environmental Initiatives and what they were terming as "Sustainable Development". Mr. Smith said that the Committee was conducting an investigation regarding this organization to see if any other localities were participating in it at this time.

Councilmember Donahue stated that the Town of Kilmarnock generated approximately 75 percent of its operating budget through food and lodging tax. Mr. Donahue said that the Town only allocated \$4000 for advertising. Mr. Donahue advised that the charities received more money than was being spent to market the Town of Kilmarnock. Mr. Donahue continued by saying that marketing dollars spent on the Town of Kilmarnock were self fulfilling because it caused people to stay in the hotels and eat in the restaurants. Mr. Donahue said that less than \$125 per month was spent to market the Town of Kilmarnock. Mr. Donahue advised that even the Town of Irvington exceeded Kilmarnock's

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marketing dollars. Mr. Donahue stated that last month he brought to the Town's attention that Kilmarnock was not even listed in the Virginia Tourism Guide. Mr. Donahue said that those were things that the Town could do that would not cost a lot of money. Mr. Donahue stated that to continue to put burdens on the merchants of Kilmarnock by saying that the Town was going to tax them to death but wasn't going to spend but \$125 per month to advertise the Town was outrageous. Mr. Donahue said that the Town needed to take a look at their priorities for the next fiscal budget.

Councilmember Nunn stated that she was in favor of advertising the Town but doing so was not a guarantee to every merchant that people would come into their place of business. Mrs. Nunn said that Ms. Cockrell was doing a good job of advertising the Town within the budget.

Mayor Booth stated that he was shocked at the little amount of money set aside for advertising the Town and wholeheartedly agreed with the comments made by Councilmember Donahue. Mayor Booth felt that the Town had a responsibility to return in kind some of the money to the merchants by way of advertising and promotion.

Councilmember Nunn stated that advertising by way of websites was more effective than print these days. Mrs. Nunn said that the Town did have an excellent website. Mrs. Nunn advised that the six new businesses that came into Town last year found Kilmarnock by way of the website.

Councilmember Moubray stated that he felt that the Town was doing well by way of advertising but also felt that it could do better.

2) Committee Recommendations to Council

There were no recommendations made to Council.

F. Town Centre Committee: Councilmember Smith, Chair

1) Report from August 10, 2010

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

Councilmember Smith advised that he was unable to attend the meeting.

Councilmember Nunn stated that Town Manager Saunders informed the Committee that he had participated in some discussions with the library regarding their plans for expansion and would keep the Committee informed if anything involving the Town developed. Mrs. Nunn stated that she had gotten

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nine corporate sponsors to donate \$500 each towards the dog park. Mrs. Nunn advised that they were Chesapeake Bank, Ransone's Maintenance and Landscaping, Hair Design Studio, Currie Funeral Home, Moubray & Company, Tri-Star, Savannah Joe's, Crowther Heating and Air, and Kilmarnock Animal Hospital. Mrs. Nunn stated that she expected to hear from the tenth donor tomorrow. Mrs. Nunn said that, in addition to the donations, bricks would be sold in honor of pets to raise money. Mrs. Nunn advised that two bids on fencing had been received and she expected to receive at least one more. Mrs. Nunn stated that Mr. Saunders had recently supplied her with photos of pretty fencing being used in other areas. Mrs. Nunn finalized by saying that they hoped to start on the project next month.

2) Committee Recommendations to Council

There were no recommendations to Council.

G. Administration/Finance Committee: Vice-Mayor Smith

1) Report from August 6, 2010 meeting.

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

Vice-Mayor Smith stated that he was not able to attend the meeting due to a family surgery.

Councilmember Jones stated that the Committee discussed donations to local charitable organizations and agreed to keep the original amount that the 2011 budget had provided for.

Mayor Booth asked if there were any donations paid out by the Town in 2009 and 2010.

Town Attorney Stamm replied that no donations were paid out in the latter part of 2009 or early in 2010 but funds had been set aside for to do so in this budget. Mr. Stamm reminded everyone that the Town's fiscal year started in July 2010 and ran to July 2011.

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from July 20, 2010 to August 16, 2010.

ACTION: Councilmember Moubray made the motion to approve the disbursements from July 20, 2010 to August 16, 2010 as presented,

seconded by Councilmember Nunn; and carried unanimously.

b. Recommend that Council approve contributions to in-town non-profits as budgeted.

ACTION: Councilmember Moubray made the motion to approve contributions to in-town non-profits as budgeted, seconded by Councilmember Nunn; and carried unanimously.

6. Financial Status and Trend Report: Mr. Steve Jacobs of Robinson, Farmer, Cox and Associates

Mr. Steve Jacobs of Robinson, Farmer, Cox and Associates gave a presentation on the financial forecast for the Town of Kilmarnock beginning fiscal year 2011 through fiscal year 2016. (See attachment)

7. Administrative Comments and Reports: Town Manager Saunders

A. Flood insurance access for Kilmarnock residents

Town Manager Saunders stated that flood insurance is now accessible for Kilmarnock residents.

B. KVFD Carnival went smoothly with no incidents

Town Manager Saunders advised that there were no major incidents at the Kilmarnock Carnival this year, and he thanked everyone for their assistance.

C. Pat Chenoweth on medical leave

Town Manager Saunders reported that Ms. Chenoweth would be out on medical leave for approximately 5 to 6 weeks. Mr. Saunders stated that Richard Lynn had passed his Class 3 Wastewater test.

8. Old Business

A. Committee Assignment Approval

ACTION: Vice-Mayor Smith made the motion to approve the committee assignments made by Mayor Booth at the July 19, 2010 Town Council meeting, seconded by Councilmember Donahue;

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DISCUSSION:

Councilmember Nunn asked Vice-Mayor Smith if the point of his motion was to have the assembly appoint Mayor Booth to certain committees instead of the Mayor appointing himself.

Vice-Mayor Smith stated that he was making the motion that Town Council approve the committee appointments made by Mayor Booth including the Mayor's appointment to certain committees.

Mayor Booth called for the vote which was 5 to 1 in favor of (Councilmember Jones opposed).

9. New Business

A. Resolution of Appreciation for Mr. and Mrs. Jones Felvey

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

Town Manager Saunders read the proposed resolution to the Town Council.

ACTION: Councilmember Smith made the motion to adopt the Resolution in appreciation of Mr. and Mrs. Jones Felvey, seconded by Vice-Mayor Smith; and carried unanimously.

B. Complaint concerning unleashed dogs on Main Street

Councilmember Nunn stated that she had received complaints concerning unleashed dogs at Buenos Nachos Restaurant and noted that there is a leash law. Mrs. Nunn said that when she lived in Florida there were certain restaurants that a person could take their dog to as long as it had an outside section and the dog was on a leash. Mrs. Nunn stated that the problem in this matter was that the dogs were unleashed.

Councilmember Donahue asked if this was a merchant issue or who was to enforce this.

Councilmember Nunn replied that the Animal Control Warden would enforce the leash law.

Councilmember Donahue asked Mrs. Nunn if she was saying that this was his burden as the owner of the restaurant.

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Councilmember Nunn advised Mr. Donahue to talk to the Health Department about whether a dog can be in an area where food is served. However, Mrs. Nunn stated that the complainants were only concerned about unleashed dogs being on Main Street.

Councilmember Donahue replied that they were not his dogs.

Mayor Booth stated that he would like to address this issue because one of the dogs that Councilmember Nunn was referring to probably belonged to him. Mayor Booth said that the leash law stated that there was no violation if an unleashed dog was under control.

Councilmember Nunn replied to Mayor Booth that she was not aware that it was his dog.

Mayor Booth replied that he had just admitted that it probably was.

C. Citizen's complaint regarding not being able to serve on a committee.

Councilmember Nunn advised that a citizen had complained to her that she was turned down to serve on a committee and told that it was because she did not back the right people during the election. Mrs. Nunn stated that only twenty percent of the people in Town actually voted during an election but noted that Council represented everyone and if someone wanted to volunteer to serve on a committee then they should be allowed to do so no matter who they supported. Mrs. Nunn said that there were people who did not support her, but she still helped them when they called with a problem.

Mayor Booth stated to Councilmember Nunn that without mentioning any names, he thought that he might know who she was referring to and asked if this individual lived in Town. Mayor Booth said if she did not live in Town then why would she be put at the head of the list to serve on a committee.

Councilmember Nunn replied that she did not want to be at the head of the list but as a business person, she had served on the committee before. Mrs. Nunn acknowledged that this individual did not live in Town.

10. Council Comments

Councilmember Donahue asked if there was any specific thing that the Town had to do regarding the visit from Miss America in September.

Asst. Town Manager/Comm. Dev. Strategist Cockrell replied not at this time. Ms. Cockrell advised that the itinerary was firming in terms of her stops and appearances.

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Councilmember Donahue stated that he hoped the Town presented her with the keys to the city or a plaque or something but was concerned about breaking *Robert's Rules of Order* by not having taken the appropriate steps to do so.

Town Attorney Stamm replied that the Mayor could hand out plastic keys to the city all day long if he wanted to and noted that there was no official action that needed to be taken.

11. Adjournment

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

Meeting adjourned at 8:45 pm

Prepared by:

Joan N. Kent

Raymond C. Booth, Jr., Mayor

Jacqueline L. Blencowe, Clerk