

September 20, 2010

**KILMARNOCK TOWN COUNCIL  
Monday, September 20, 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:

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

Members Absent:  
John A. Smith

Staff Present:  
Tom Saunders, Town Mgr.  
Susan Cockrell, Asst. Town Mgr., Comm. Dev.  
Marshall Sebra, Zoning Adm., Planning Director  
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**

**ACTION: Councilmember Donahue made a motion to accept the agenda for the September 20, 2010 Regular Town Council meeting as presented, seconded by Councilmember Moubray; and carried unanimously.**

**3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held August 16, 2010.**

September 20, 2010

Councilmember Nunn advised that her response to Mayor Booth was left out on page 11, when he stated to her that the appropriate measure regarding her phone conversations with staff member Franklin Carter was to go through the chain of command, which was the Town Manager. Mrs. Nunn said that her reply was that her phone conversations with Franklin Carter were made through the chain of command, with Town Manager Saunders' knowledge, when he was working with her on a Streets Committee project that she chaired.

**ACTION: Councilmember Moubray made a motion to approve the August 16, 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.

There were no participants in the public forum.

##### B. Presentations

There were no presentations.

#### **5. Public Hearing**

The purpose of the hearing was to solicit public input regarding a request by R. Wayne Nunnally to rezone a parcel of land located at 201 Irvington Road (Tax Map 23A-11-60) from R-1 (low density residential) to R-2 (medium density residential).

##### A. Description of Proposed Rezoning

Zoning Administrator, Marshall Sebra, advised that a staff report, an aerial photograph, a map of current zoning districts, and letters from the public regarding the rezoning request were included in each Councilmember's packet. Mr. Sebra stated that the property located at 201 Irvington Road was currently owned by Mrs. Ella Davis but Mr. Nunnally was interested in purchasing it for use as a legal office. In order for Mr. Nunnally to be able to do that, Mr. Sebra said that the property would have to be rezoned from R-1 to R-2. Mr. Sebra continued by saying that R-1 immediately surrounded the property with R-2 directly across Irvington Road and C-1 across Second Avenue. Mr. Sebra finalized by saying that

September 20, 2010

the Planning Commission held a public hearing on August 10<sup>th</sup> regarding the request and it was their recommendation that Council grant the rezoning provided that Mrs. Davis and Mr. Nunnally closed on the property sale.

Councilmember Jones asked Mr. Sebra what the property to the right of the Davis property was zoned.

Mr. Sebra replied that the property to the right if you are standing on the front porch of the house is zoned C-1.

Councilmember Donahue asked Mrs. Humphreys who was seated in the audience if her position regarding the rezoning had changed since the letter she had written to the Town dated July 30<sup>th</sup>.

Mrs. Humphreys replied that she had no objections to Mr. Nunnally having a legal office there.

B. Mayor Booth opened the public hearing.

C. Mayor Booth asked for public comments.

1) Mrs. Louise Humphreys of 211 Irvington Road, Kilmarnock, VA, stated that she and the McElroys were in a better position than most to know what they wanted in their area since they were adjacent property owners to the Davis property. Mrs. Humphreys said that the McElroys asked her to speak on their behalf. Mrs. Humphreys advised that she and the McElroys were in favor of the rezoning. Mrs. Humphreys said that the Nunnallys had been very courteous to her and she felt that they would run a good, clean business.

2) Mr. Glen Cockrell of 40 Irvington Road, Kilmarnock, VA, provided Councilmembers with a letter dated September 13, 2010. The letter included a petition signed by 19 Town residents who opposed the rezoning because of one key factor they referred to as "zoning creep". Mr. Cockrell warned Council that if the rezoning was approved then it would set into motion a gradual negative transformation of their neighborhood with the emphasis on gateway corridors instead of them. Mr. Cockrell said that if the request was denied then Council would be defending their neighborhood's vulnerability and protecting them from the ever gray oppression of "zoning creep" and would preserve their little neighborhood by placing the emphasis on them instead of gateway corridors. Mr. Cockrell referred to a famous saying used in decision making which was "when in doubt-don't". Mr. Cockrell continued by asking that Council give their neighborhood the benefit of the doubt and not to approve the request. Mr. Cockrell said that Mr. Nunnally would not be hurt at all if the request was denied and noted that he did not even live in Kilmarnock. Mr. Cockrell advised that there were approximately twenty empty places in Kilmarnock where Mr. Nunnally's law office could go which would not require any rezoning. Mr. Cockrell added that Mr. Nunnally could still

September 20, 2010

purchase the Davis property if he wanted to and sell it for a profit later in whatever state of finish that he chose or noted that someone else might want to purchase it since its asking price was so cheap. Mr. Cockrell said that either way Mrs. Humphreys had already received her positive outcome because the property was empty and the past residents would never be coming back. Mr. Cockrell compared it to lightning striking the same place twice, which was remote and infinite.

Councilmember Moubray stated to Mr. Cockrell that it appeared that the petition excluded some property owners including the adjacent ones and wanted to know if he had spoken to them and, if so, what they had said.

Mr. Cockrell replied that the boundary they composed within the neighborhood consisted of fifteen homes. Of those fifteen homes, twelve were represented in the petition that opposed the rezoning. Mr. Cockrell stated that the other three homeowners which included Mrs. Humphreys chose not to sign the petition. Mr. Cockrell advised that they were not a formal group but firmly unified, and they were not just opposed to the rezoning but were strongly opposed to it.

Councilmember Nunn stated that the Planning Commission recommended that Council approve the rezoning request; however, she advised that one needed to remember that Planning Commission members are appointed. While that does not lessen their importance, their necessity or their good work, Councilmembers are elected and their mission is two-fold: the first is to keep foremost the betterment of the Town and the second is to respond to the citizenry who elected the Councilmembers to represent them. Mrs. Nunn noted that it was obvious that the neighbors or citizens did not want this rezoning. Mrs. Nunn continued by saying that she, as well as other Councilmembers, did not wish to discourage any business from coming to Kilmarnock and stated that there were numerous properties available for sale and for rent in the commercial zone. Mrs. Nunn commented that they were already seeing empty store fronts in the commercial zone which could be the beginning of blight. Therefore, Mrs. Nunn said that she saw no reason to extend more businesses into a neighborhood who clearly did not want the rezoning. Mrs. Nunn advised that if someone came into her neighborhood off of Walnut and wanted property changed to R-2, it would not be allowed. Mrs. Nunn said that Council could not treat the residents who lived along Irvington Road as second class citizens because they happen to live on a gateway corridor into Town. Mrs. Nunn doubted that anyone on Council wanted Irvington Road to start resembling North Main Street. Mrs. Nunn advised that she was voting not to rezone the property and hoped all of the Councilmembers would agree with her for three reasons. Those reasons are: that the rezoning is not beneficial to the Town, that there is space available in the commercial zone, and that many citizens around the property do not want ~~for~~ the rezoning to take place and have signed a petition to this effect. Mrs. Nunn finalized by saying that Council had an obligation to represent those citizens. *\*Deleted by Council 10/18/10*

September 20, 2010

Mr. Cockrell encouraged Council and Town Manager Saunders to try to establish a more efficient notification process. Mr. Cockrell said that in the real estate business when he wanted to subdivide a property or whatever, he had to notify more than just the adjacent property owners. Mr. Cockrell suggested that the Town might want to put a sign in front of the property advertising the rezoning. Mr. Cockrell advised that his point was that no one in his neighborhood showed up at the Planning Commission meeting to oppose the rezoning because they were not aware of it.

Councilmember Moubray asked Mr. Cockrell if the Planning Commission had received his letter and petition prior to making their recommendation to Council to approve the rezoning request.

Mr. Cockrell replied that they did not and stated that he wrote the letter and obtained the petition on September 13, 2010 after learning of the request for the rezoning.

Councilmember Nunn advised Mr. Cockrell that she understood where he was coming from and noted that she had received similar complaints from citizens before; however, currently the Town was only required to advertise rezoning requests in the local newspaper.

Town Attorney Stamm stated that he would broach this subject with the Planning Commission because he felt that posting a sign in front of a property regarding a rezoning issue was a great idea.

D. Mayor Booth closed the public hearing.

E. Mayor Booth asked for Council discussion and/or action.

Councilmember Jones wanted to know if the property was rezoned to R-2 and Mr. Nunnally eventually moved out, could it then be turned into multi-family use.

Town Attorney Stamm replied that there would have to be a plethora of compliances met before a duplex could be put on that property.

Town Manager Saunders stated that Councilmember Jones was correct in the theory that if the property was rezoned to R-2 then it could possibly happen.

Town Attorney Stamm replied that he did not think that particular piece of property would meet the sideline restrictions, etc.

Councilmember Nunn commented that a person could add on and make it a duplex.

September 20, 2010

Town Attorney Stamm said only if the lot complied with the zoning because the person would have to comply with parking restrictions, sidelines restrictions, etc.

Vice-Mayor Smith asked Zoning Administrator Sebra if the Bed and Breakfast and the Bay Center for Spiritual Development on Irvington Road were R-2.

Mr. Sebra replied that to his knowledge the Bed and Breakfast was R-1 with a conditional use permit and the Bay Center for Spiritual Development was also R-1 but allowed as a church use.

**ACTION: Councilmember Nunn made a motion to deny the request of R. Wayne Nunnally to rezone the property located at 201 Irvington Road from R-1 to R-2, seconded by Councilmember Moubray; and carried with a 4 to 1 vote in favor of denying the rezoning request. (Vice-Mayor Smith opposed)**

## 5. Committee Reports

### A. Water/Sewer Committee: Town Manager Saunders

#### 1) Report from September 1, 2010 Meeting.

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

Town Manager Saunders stated that the primary discussion during the meeting was the advisability of allowing private shallow wells for irrigation within the Town. Mr. Saunders said that the Committee realized there was a lot to learn about this issue prior to making any recommendations to Council. Mr. Saunders reported that all water leaks in Town had been repaired including the one on East Church Street.

#### 2) Committee Recommendations to Council.

There were no recommendations made to Council.

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

#### 1) Report from September 2, 2010 Meeting.

September 20, 2010

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

Councilmember Donahue reported that the Committee discussed the placement of the Town's holiday tree and said that they were trying to find a location on Main Street.

Councilmember Nunn stated that she had gotten permission to have the holiday tree located at 72 N. Main Street which is the property next to the municipal parking lot.

Councilmember Donahue continued by saying that Town Manager Saunders had met with the Lancaster County Board of Supervisors in regards to having Main Street designated as a "No Through Truck" highway. Mr. Donahue advised that a public hearing had been scheduled by the county for October 28. Mr. Donahue said that Town Manager Saunders was still working on providing the residents of old Black Stump Road with a Kilmarnock 911 address and renaming the road. Mr. Donahue advised that Zoning Administrator, Marshall Sebra, gave the Committee a presentation on the walking trails at Baylor Park. Mr. Donahue stated that he had shared his concerns with the Committee on whether or not the Town would have to make entrance enhancements to meet VDOT requirements and what, if any, requirements would there be in regards to the American Disabilities Act. Mr. Donahue said these issues needed to be investigated prior to the ribbon cutting ceremony so that no one ended up with egg on their face. Mr. Donahue continued by saying that VDOT had changed the rules regarding the sidewalk on Town Centre drive and the Town Manager is waiting to hear back from them regarding the new ones. Mr. Donahue advised that the mulch and swing mats had been installed at the playground and that there was an issue with the rope bridge which was in need of repairs. Mr. Donahue said that Mr. Saunders had toured the Town with a representative of Dominion Virginia Power to review street lights and right-of-way issues. Mr. Donahue finalized by saying that the Miss America event was sensational and hats off to everyone who participated in organizing it.

Councilmember Nunn stated that she had received a complaint from Mr. Thomas Gale after his dog was hit by a car on Roseneath Avenue. Mrs. Nunn stated that she contacted Robert Harper with VDOT in reference to speed bumps or "No Through Traffic" signs. Mrs. Nunn said that Mr. Harper advised her that VDOT did not put in speed bumps and there was already an existing sign on Roseneath Avenue that said "No Through Trucks". Mrs. Nunn advised, although the dog being hit was not a speeding issue, there had been other complaints about speeding especially around 5:00 to 6:30 AM when elderly people were out walking their dogs. Mrs. Nunn stated that Mr. Harper suggested that this was a law enforcement issue. Therefore, Mrs. Nunn said she spoke to Town Manager Saunders who in turn was going to notify Chief Bedell to have some police presence on that avenue from time to time.

September 20, 2010

Mayor Booth said that he did not mean to be argumentative but he did not see how the Town could single out certain streets for speed bumps.

Mrs. Nunn replied that it did not matter because VDOT did not install speed bumps anyway.

Mayor Booth stated that he wanted to compliment Assistant Town Manager, Susan Cockrell, on the Miss America visit, Police Chief, Mike Bedell, on handling the security during the visit, and the Streets Committee for their thoroughness.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from September 13, 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 there were no serious incidents to report and commented that Chief Bedell did an excellent job providing security for Miss America.

2) Committee Recommendations to Council

There were no recommendations made to Council.

D. Emergency Preparedness Committee: Councilmember Moubray  
Chair

There was no meeting held.

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

1) Report from September 14, 2010 meeting

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

Vice-Mayor Smith reported that most of the discussion during the meeting was based on what the Town could do to improve relations with the local

September 20, 2010

merchants. Mr. Smith stated that it was their recommendation that a business advisory committee be established.

Mayor Booth commented that for a while he and others had realized the need to create an advisory committee to work with the Economic Development Committee. As Mayor, Mr. Booth stated that he had appropriately appointed businessmen and women to serve on this committee and forwarded the information to Councilmembers, Planning Commission Members, and staff in the form of a memo. Mayor Booth read the memo appointing Shawn Donahue as Chairman, and Steve Bonner, Lindsay Gardner, Jane Ludwig, Jackie Barrack, Amy Groh Reihls, and Bill Blocher as the committee members. Mayor Booth named this committee the Mayor's Economic Leadership Initiative. Mayor Booth stated that he looked forward to the ideas and input of those very talented people. Mr. Bill Blocher was present in the audience.

Councilmember Nunn said that from comments made by Mayor Booth and Councilmember Donahue during the time they were running for Town Council and even now she felt that both of them, as well as some of the newly appointed committee members, wanted to see the Town spend more money on advertising. Mrs. Nunn advised that although it was true the Town had probably taken in 5 million dollars in the past ten years from meals and lodging taxes, those taxes were not paid by the businesses but by the customer with the businesses just being a pass-through. Mrs. Nunn commented that the taxes were not coming out of the businesses' pockets. Mrs. Nunn advised that the county and state taxes were coming out of the businesses' pockets but not the meals and lodging taxes. Mrs. Nunn said that Mr. Donahue himself went through his business receipts and discovered that 60% of his customers were from out of Town. Mrs. Nunn stated that the Town provided services for visitors and noted that 75% percent of the police calls came from businesses. Mrs. Nunn advised that through the meals and lodging tax the visitors were paying for those services which were required because they were using the businesses. Mrs. Nunn reiterated that the millions of dollars in revenue was not collected from the businesses but from the visitors and the people who ate out. Mrs. Nunn said that the Town could spend the whole \$500,000 collected from meals and lodging tax this year on advertising and still not guarantee that one person who came to Kilmarnock because of that advertising would go into any particular business. Mrs. Nunn stated that the businesses needed to advertise their own business and products because just getting people to come to Kilmarnock did not mean that they would go into any particular place. Mrs. Nunn said that she thought it was wonderful to advertise the Town but advised that it was Council's mission to bring economic development to Kilmarnock and it was the Chamber of Commerce's mission to bring tourists to Kilmarnock. Mrs. Nunn finalized by saying that she thought the new committee was a great idea and that it would be nice to have their input, but it was her understanding that the advisory committee would not be an official committee of the Town Council.

September 20, 2010

Mayor Booth replied that Mrs. Nunn's understanding was correct.

Councilmember Donahue stated that during Mayor Robertson's term, a similar committee was formed for the Main Street renovation project which he served on. Mr. Donahue noted that it was quite interesting because other than himself and Fletcher Brown he could not think of anyone else who served on the committee that actually lived in Town.

Councilmember Nunn replied that she did not make any comments about someone having to live in Town.

Councilmember Donahue replied that he realized that but was trying to make the point that the input of the business community was critical in growing the Town. Mr. Donahue said that last month he brought to Council's attention that the Town of Kilmarnock was not even mentioned in the Virginia Tourism Magazine or found on its map. Mr. Donahue advised that there were little things that the Town could do that would not cost a lot of money such as advertising in that magazine. Mr. Donahue showed a copy of Virginia Living Magazine and commented that Martinsville and other towns had run full page ads which to him demonstrated how those communities had joined together to promote their towns. Mr. Donahue stated that was cost effective advertising. Mr. Donahue said that he agreed with Councilmember Nunn that the money collected through meals and lodging taxes was a pass-through tax and there was no question about that but commented that if the businesses did not survive then the Town would lose that revenue. Mr. Donahue said that the Town investing in advertising was self-fulfilling. Mr. Donahue recalled that the presentation made to Council last month regarding the five-year plan showed that the Town had a revenue shortfall. Mr. Donahue noted that the Town was on a declining scale and if sewer and water revenue or meals and lodging tax revenue did not increase the Town had no choice but to raise the cost of living for its residents. Mr. Donahue asked why not market the Town of Kilmarnock to try to bring in those dollars because that was what other communities were doing. Mr. Donahue thought that what the Mayor was proposing by forming the advisory committee was to collectively work together to promote revenue so the citizens who live in Kilmarnock would not have to be burdened.

Councilmember Nunn replied that she was all for promoting the Town but noted that advertising the Town would not ensure that visitors would go to any certain businesses. Mrs. Nunn stated that she was for promoting economic development and for letting the Chamber of Commerce promote tourism.

Vice-Mayor Smith said that the advisory committee was in place and the Economic Development Committee was looking forward to interacting with them to see what recommendations they had which would be reported back to Council at a future date.

September 20, 2010

Councilmember Moubray clarified that any reports from the advisory committee would have to come through the Economic Development Committee.

Mayor Booth stated that he and Councilmember Donahue were pro-business folks and were not asking for an excessive amount but a reasonable amount of reinvestment. Mayor Booth advised that the argument about the taxes was a fair one but then again as Councilmember Donahue had implied if the businesses did not exist then neither would the tax revenue. Mayor Booth said that it seemed to him that more needed to be done in this regard. Mayor Booth stated that the argument of businesses being a pass-through for this revenue that was being paid by shoppers, diners or overnight guests staying at inns or hotels might be true. However, everyone knows that people only have a certain amount of money in their paychecks to live off of and if 5 to 10 percent of that goes to taxes they can only spend so much money.

Town Manager Saunders stated that he looked forward to hearing what the committee had to say. Mr. Saunders said he felt that it missed the point to say that the Town had not reinvested in businesses when only looking in the marketing lineup. Mr. Saunders stated that most of the money spent in Town was in support of the ability to be a town. Mr. Saunders advised there was a debt service on the Main Street project as well as water/sewer service all of which made it possible to have businesses. Mr. Saunders commented all of that was investment in the life and future of the Town. In regards to the advisory committee, Mr. Saunders felt that the more hearts and minds that got involved in bettering Kilmarnock was certainly a good thing.

Councilmember Nunn advised that the dog park and Baylor Park would definitely bring people to Kilmarnock.

Councilmember Donahue asked Mrs. Nunn how she planned to market them.

Mrs. Moubray spoke from the audience stating that she had already advertised the dog park on dogpark.com.

Mr. Wille spoke from the audience and asked why the Town did not make up pamphlets and have them placed in the visitor centers in various states.

Councilmember Nunn said that the Chamber of Commerce already had those. Mrs. Nunn said that Kilmarnock received over 16,000 hits a year on its website and noted that all of the new businesses that came to Kilmarnock last year did so because of the website.

## 2) Committee Recommendations to Council

September 20, 2010

There were no recommendations made to Council.

F. Town Centre Committee: Councilmember Smith, Chair

1) Report from September 14, 2010

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

Mayor Booth stated that he was sick and missed the meeting and so did Councilmember John Smith. Mayor Booth said that Mrs. Nunn was there and asked her if she had any comments.

Councilmember Nunn reported that the dog park was primarily discussed. Mrs. Nunn advised that she had gotten ten corporate sponsors at \$500 each. Mrs. Nunn stated that Council had agreed to lend the Committee \$5,000 once this goal was met. Mrs. Nunn advised that she was waiting for one more bid regarding fencing. Mrs. Nunn showed Council a sketch drawn by Mrs. Moubray of the proposed dog park. Mrs. Nunn advised that Joe Curry had donated a cement bench. Mrs. Nunn stated that she had sold fifteen of the memorial bricks which cost \$100 apiece with three lines of twenty characters each engraved on them. Mrs. Nunn said that signs advertising the park would be placed at the Animal Welfare League, Bayside Pet Emporium, and Kilmarnock Animal Hospital which was a \$500 donor. Mrs. Nunn advised that the sponsors of the Dog-Gone Dog Show had agreed to give her a space to sell the memorial bricks during their event. Mrs. Nunn commented that everyone was excited about it and noted that people had called to help with construction and keeping it clean. Mrs. Nunn advised that one individual was attempting to get the fencing at wholesale price from his supplier. Mrs. Nunn said that her husband and Councilmember Moubray had augers and people to help them install the fence. Mrs. Nunn stated that she received a letter from Mr. Pollard advising her that the dog waste from the park could be transformed into fuel. Mrs. Nunn finalized by saying that they hoped to start on the park during the first week of October.

Councilmember Moubray stated that he did not see why the dog park couldn't be the beginning of a people park on the Town lot as well. Mr. Moubray said that most of the construction could be handled by the Town and volunteers such as the planting of trees, construction of walking paths, etc. Mr. Moubray advised that the response to the dog park had been great and he was sure that the response to a people park would probably be as well. Mr. Moubray asked the Committee to take the idea into consideration.

Councilmember Donahue commented that it was interesting during the weekend of the car show and Miss America event to watch people walk around the Town lot. Mr. Donahue advised that the Town had owned the lot for seven or eight years and had not done anything with it. Mr. Donahue also thought

September 20, 2010

it should be made into a community park. Mr. Donahue advised that there were 62 licensed dogs in the Town and 1200 people. Mr. Donahue felt that people were wondering why the Town was building a dog park and not a community park. Mr. Donahue said that the Town of Irvington was currently hosting a lot of events because they had a pavillion and Kilmarnock had the asset but was not using it. Mr. Donahue was in favor of using the Town lot as a community park and getting businesses to volunteer to landscape little sections of it.

Mayor Booth stated that he also attended the car show and noted that it was the first time that he had seen the Town lot fully utilized. Mayor Booth said that it was good to see that and noted that it was an outstanding event. Mayor Booth stated that if anyone had asked him a year ago what to do with that piece of property he would have said to sell it. Mayor Booth commented that it was a very valuable piece of property even in this economy. Mayor Booth said that as the economy improved the value would appreciate even more. Mayor Booth stated that the five or six million dollar facility that was once proposed for the property was no longer a reality because of the economy. Mayor Booth advised that the lot was strategically central to the Town and should be kept permanently and used as a Town park. Mayor Booth said that he would endorse it only if it could be free of excessive consultants and engineering with the dog park being a component thereof.

Councilmember Nunn advised that the dog park had already been approved by Council.

Mayor Booth stated he realized that but commented that he was not sure if all the due diligence had been done. Mayor Booth said that he had asked for information but did not know if all of it had been provided. Mayor Booth stated that he did not oppose the dog park but was even more comfortable with it serving as a component of a Town park.

Councilmember Nunn said that had been the whole idea because the eight million dollar proposal was scrubbed a long time ago. Mrs. Nunn stated that what had been discussed recently for the Town Centre was Councilmember Moubray receiving estimates for steel buildings that could be added on to the current Town Hall. Mrs. Nunn said that they had also discussed having a gazebo on the Town lot.

Mayor Booth complimented Councilmember Nunn on all of her hard work with regards to the dog park.

## 2) Committee Recommendations to Council

There were no recommendations to Council.

G. Administration/Finance Committee: Vice-Mayor Smith

September 20, 2010

1) Report from September 3, 2010 meeting.

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

Vice-Mayor Smith advised that the issue regarding compensating employees for the use of their personal cell phones while on duty was still on hold for now and he hoped to have a report next month.

2) Committee Recommendations to Council

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

**ACTION: Councilmember Nunn made a motion to approve the disbursements from August 16, 2010 to September 20, 2010 as presented, seconded by Councilmember Donahue; and carried unanimously.**

b. Recommend that Council approve budget transfers as submitted for the period ending June 30, 2010.

**ACTION: Councilmember Nunn made a motion to approve budget transfers as submitted for the period ending June 30, 2010, seconded by Councilmember Moubray; and carried unanimously.**

c. Recommend Council hold an informal, non-voting work session to discuss long range issues regarding financial status and trend report.

The general consensus of Council was to hold the meeting on a Saturday morning and for the date to be scheduled by the Town Manager when a representative of Farmer, Cox and Associates was available.

**7. Administrative Comments and Reports:** Town Manager Saunders

A. Full Federal Flood Insurance available as of September 17, 2010

B. Pat Chenoweth still on medical leave.

C. Church Street water tank maintenance scheduled to start on Wednesday

September 20, 2010

- D. CDBG water and sewer line bids due 09/30/2010
- E. Marshal Sebra attending code enforcement class from 09/21 to 09/23.
- F. Town Manager Saunders on vacation from 09/27 to 10/01.
- G. VML Annual Conference scheduled for October 3-5 in Hampton, VA.

## **8. Old Business**

Councilmember Nunn advised that she was assigned to serve on three committees and each committee had met twice since the elections. Mrs. Nunn stated that at two of the committee meetings she was the only person there and at two other committee meetings everyone came but some were late. Mrs. Nunn asked the Mayor to try to encourage those persons assigned to the committees to attend the meetings or there was no sense in having them.

Mayor Booth told Councilmember Nunn that he applauded her comment because he thought about saying the same thing several committee meetings ago. Mayor Booth said that he thought a lot of the Councilmembers had a bad month and commented that he missed two out of three meetings himself due to sickness and an appointment. Mayor Booth said that he would like to encourage all of the Councilmembers to attend the committee meetings.

Town Manager Saunders reiterated that he would change any committee dates necessary to accommodate Councilmembers.

## **9. New Business**

Designate official "Trick or Treat" date for Kilmarnock since October 31<sup>st</sup> was a Sunday. Town Staff was asking Council to consider designating Friday, October 29<sup>th</sup>, as the official date when the downtown Kandy for Kids program would be going on or Saturday, October 30<sup>th</sup>.

Mayor Booth said that he always thought it made more sense to run the event as close to the date as possible.

Vice-Mayor Smith suggested that staff coordinate a date with Irvington and White Stone.

September 20, 2010

It was the general consensus of Council to have staff contact Irvington and White Stone to coordinate a date.

#### **10. Council Comments**

Councilmember Donahue said that he stated during a previous meeting that William Smith had received the most votes of anyone running in a Town election. Mr. Donahue stated that Councilmember Jones pointed out to him that a lot of the numbers had changed due to redistricting which distorted a lot of the numbers. Councilmember Donahue said that he wanted to apologize and should have conducted more research.

#### **11. Adjournment**

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

Meeting adjourned at 8:30 pm

Prepared by:

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Joan N. Kent

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Raymond C. Booth, Jr., Mayor

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Jacqueline L. Blencowe, Clerk