

November 15, 2010

**KILMARNOCK TOWN COUNCIL
Monday, November 15, 2010
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

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

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

Members Absent:

Raymond Booth, Mayor
John A. Smith

Staff Present:

Tom Saunders, Town Mgr.
Susan Cockrell, Asst. Town Mgr.
Marshall Sebra, Zoning Administrator/Planning Director
Paul C. Stamm, Jr., Town Attorney
Jackie Blencowe, Town Clerk
Cindy Balderson, Deputy Clerk
Joan N. Kent, Transcriber
Michael S. Bedell, Chief of Police

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

2. Acceptance and Approval of Agenda

ACTION: Councilmember Moubray made a motion to accept the agenda for the November 15, 2010 Regular Town Council meeting as presented, seconded by Councilmember Donahue; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held October 18, 2010.

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Town Manager Saunders advised that several typographical errors were detected after the packets had been distributed. Mr. Saunders gave each Councilmember the corrected pages.

In addition to the corrections noted by Town Manager Saunders, Councilmember Nunn requested a change on page 16 of the minutes. Mrs. Nunn said Mayor Booth asked Councilmembers who were in favor of entertaining her objection to signify by saying "aye" resulting in one vote in favor of the objection with three votes against. Mrs. Nunn advised the vote should have been a rising vote instead of a voice vote and was carried out incorrectly.

Town Attorney Stamm advised Councilmembers that according to *Robert's Rules of Order*, a two-thirds vote of that nature required Councilmembers to stand instead of speak.

Councilmember Nunn said that the same held true for the vote on page 18 regarding the decision for Council to enter into Closed Session. Mrs. Nunn stated that should have been a rising vote and requested that the minutes show that was handled inappropriately as well.

Councilmember Donahue asked if the votes counted anyway or if they needed to be done again.

Councilmember Nunn replied that they did count but were carried out inappropriately.

Councilmember Nunn continued by saying that on page 15, fourth paragraph, the second sentence should read "Councilmember Nunn stated that every time a legal question was asked, VML referred the person to the Town Attorney or Commonwealth's Attorney". Mrs. Nunn requested that the word "back" be removed from that sentence.

Councilmember Nunn advised that on the same page, third sentence from the bottom, quotation marks should be placed around the word absolutely.

ACTION: Councilmember Moubray made a motion to approve the October 18, 2010 Regular Town Council Meeting Minutes as amended, seconded by Councilmember Nunn; and carried unanimously.

Councilmember Donahue asked Town Attorney Stamm how everyone would know when a rising vote was required.

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Town Attorney Stamm replied that he would instruct Council before the vote from now on and added that it was required during a two-thirds vote.

4. Public Comments and Presentations:

A. Public Forum

Vice-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. Vice-Mayor Smith asked that comments be limited to 3 minutes per person.

1) Mr. Cundiff Simmons spoke on behalf of the Kilmarnock Volunteer Fire Department which he said had been in operation since 1930 and consisted of members from all walks of life. Mr. Simmons stated that many of the fire department members had served on Council and that a few had even served as Mayor. Mr. Simmons added that the fire department was very fortunate to have a dedicated core of junior fire department members, many of which he felt would be future leaders of the community. Mr. Simmons advised that the fire department provided more services than just fire fighting for the community. Mr. Simmons stated that during tropical storm Isabelle the fire department remained open for thirteen days and provided food, water, and restroom facilities for people in need. Mr. Simmons said that after the storm members went out in their own vehicles and removed trees that fell across the roads with their own equipment. Mr. Simmons stated that members also transported people who could not get around otherwise when the roads were impassable. Mr. Simmons advised that their primary goal was to save life and then property. Mr. Simmons stated that they had been very fortunate in having the community's support over the years and noted that most of their operating fund comes from donations. Mr. Simmons commented that their annual fund raiser was the Kilmarnock carnival and added that they held other fundraising events such as community concerts when special needs arose such as purchasing a new truck. Mr. Simmons stated that a percentage of fire insurance premiums were returned to the locality because of the fire department. Mr. Simmons said that they provided benefits to the residents and businesses of Kilmarnock by lowering fire insurance premiums. Mr. Simmons stated that they received financial support from Lancaster County in the amount of \$70,000 per year. In the past, Mr. Simmons said that the Town had provided the fire department with some support, such as the \$5,000 they donated this year, which was greatly appreciated. Mr. Simmons noted that there had been some years that the Town had not donated anything to them. Mr. Simmons asked Councilmembers to keep in mind that the \$5,000 received this year was still less than 3 percent of their operating budget. Mr. Simmons said that just like everyone else in the community their cost of operation had increased tremendously due to the rising cost of fuel, electricity, insurance and equipment. Mr. Simmons stated that the fire department's primary goal was to spend money on life saving equipment including trucks and fire gear. Mr. Simmons advised that the cost of replacing a truck had

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gotten unbelievably high and noted that during the late 1980's the cost of a truck was less than \$80,000. Now, however, the cost was somewhere in the neighborhood of \$400,000 to \$600,000. Mr. Simmons said that the cost of turnout gear was approximately \$9,000 per man with pagers costing an additional \$500 and noted that KFD had 40 members plus their junior members. Mr. Simmons stated that a recent donation allowed them to purchase two thermo-imagers which would allow them to detect body heat in emergency situations where sight was limited. Mr. Simmons advised that all of the required costs took away from them literally having a roof over their heads. Mr. Simmons informed Council that they currently had several crucial issues to deal with at the firehouse which was built in 1975. Mr. Simmons said that they were required by ISO to keep the equipment under roof which he advised was in desperate need of repair because the roof decking had rotted in several places. Mr. Simmons said that the cost to repair that section of roof was estimated at \$40,450. According to Mr. Simmons, that was not their only problem; the generator was 40+ years old and was well used when purchased. Mr. Simmons said that it was currently down and that particular model was only produced for two years making parts for repairs scarce. Mr. Simmons advised that the cost of a replacement generator that would not support heating and air was estimated at \$29,525 and \$47,000 for one that would. Mr. Simmons stated that the fire department rarely asked the Town for money, even though they were a part of the Town, but commented that right now they were in dire need of financial help. Mr. Simmons finalized by asking Council to make a supplemental donation to the fire department in the amount of \$70,000. Mr. Simmons thanked Council for their consideration and time.

Councilmember Donahue asked Mr. Simmons what kind of timeline was the fire department looking at in regards to the \$70,000.

Mr. Simmons replied that the need was immediate. Mr. Simmons said that the \$70,000 would help with the roof and generator.

2) Mr. Shawn Valdrighi represented Boy Scout Troop 242 in asking Council for permission to begin work on the nature trail at Baylor Park. Mr. Valdrighi stated that the trail was a great opportunity for the Town to develop a fantastic park and an excellent conservation project for the scouts. Mr. Valdrighi said that with their permission the scouts would build a basic trail as Mr. Sebra had planned.

Mr. Valdrighi and scouts received a round of applause from Council and the audience for their offer.

Zoning Administrator/Planning Director Sebra stated that he had several conversations with troop leaders and noted that they were very excited for the opportunity to do some conservation projects at Baylor Park with the most immediate being the clearing of the trail. They plan to do the work on Saturday, December 11, if Council approves.

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Councilmember Nunn wanted to know if the scouts would receive badges for their efforts.

Mr. Bill Joyner, Community Chairman for the Boy Scouts, replied that the scouts would not receive badges for this particular project but advised that it would help in fulfilling a requirement towards advancement overall. Mr. Joyner said that this would also help the scouts gain service hours for a federal project called "Good Turn for America".

Councilmember Donahue asked Zoning Administrator/Planning Director Sebra if there were any code issues that would have to be met regarding the trail.

Mr. Sebra replied that there were no code issues regarding the trail itself but advised that building code standards would have to be met when the boardwalks and observation decks were built. Mr. Sebra said that there were specifications in building a basic trail.

Vice-Mayor Smith asked Town Attorney Stamm if action by Council was required in order for the scouts to start working on the trail.

Town Attorney Stamm replied that it would require a motion of approval.

ACTION: Councilmember Jones made a motion to approve the request by the Boy Scouts to begin clearing a nature trail at Baylor Park, seconded by Councilmember Nunn; and carried unanimously.

Councilmember Nunn commented that the Boy Scouts present were a handsome young group which generated another round of applause for them as they were leaving.

B. Planning Commission Report: Councilmember Smith, Liaison

Zoning Administrator/Planning Director Sebra gave the report in Councilmember John A. Smith's absence. Mr. Sebra advised Council that the main topic of discussion during the Planning Commission meeting was on the revision of the Comprehensive Plan which should be completed by February 2011. Mr. Sebra added that the revision was required every five years by state law. Mr. Sebra went on to say that the Planning Commission would be seeking input from the community to help with the revision by creating an advisory board. Mr. Sebra stated that an advertisement would be placed in the local newspaper and on line so that interested citizens could respond.

5. Public Hearing

A public hearing was held in regards to a proposed amendment to the Northern Neck Enterprise Zone that would include changes to the outline of the zone within the Town's boundaries.

A. Description of Proposed Amendment to the Enterprise Zone

Zoning Administrator/Planning Director Sebra began by ensuring that the public hearing had been duly advertised as required by state law. Mr. Sebra continued by saying that Westmoreland County and the Town of Kilmarnock were the only two jurisdictions currently seeking changes to the enterprise zone. Mr. Sebra advised that a copy of the resolution and copies of the maps with the proposed changes were included in each Councilmember's packet. Mr. Sebra stated that the proposal was to amend the enterprise zone by taking approximately 167 acres of conservation property out of the zone and redistributing the acreage to parcels along North and South Main Street. Mr. Sebra simplified by saying that the Town was not looking to add additional acreage to the enterprise zone but just to relocate the acreage that the Town already had within its limits. Mr. Sebra stated that Mr. Jerry Davis from the NNPDC had already discussed the Town's proposal with VDHCD and advised that there did not seem to be any problems in doing so. Mr. Sebra stated that all of the localities that make up the Northern Neck Regional Enterprise Zone would have to sign off on the proposal.

Councilmember Nunn asked if the change would place Dunn-Rite Auto Sales in the enterprise zone.

Mr. Sebra replied that it would.

Mrs. Nunn asked if that would be retroactive.

Town Manager Saunders replied that it would not.

Councilmember Donahue asked Mr. Sebra what process was used in deciding how to reallocate the acreage to enterprise zone.

Mr. Sebra replied that discussions began last year with the Enterprise Zone Committee. Mr. Sebra advised that by using the GIS system, he totaled up the parcels as close as he could get to the 166+ acres of conservation areas and then omitted the resource protection areas.

Councilmember Donahue told Mr. Sebra that if he was looking at the maps correctly, then the Town Centre property was not going to be in the enterprise zone.

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Mr. Sebra responded by saying that the maps he provided Council with were not the best in depicting what was being proposed.

Town Manager Saunders advised that the maps created and turned in by Mr. Sebra were much more accurate.

Councilmember Nunn advised that when the committee reviewed the enterprise zone last year it was discovered that a whole area on South Main Street was not in it. Mrs. Nunn said that the committee proposed that more of the commercial district be added to the enterprise zone and that the conservation property be taken out.

Mr. Sebra advised that the original enterprise zone was created in 2000 and now that 10 years had passed the original idea had changed.

B. Vice-Mayor Smith opened the public hearing.

C. Vice-Mayor Smith asked for public comments.

Mr. Les Spivey of 58 East Church Street, Kilmarnock, VA, asked Mr. Sebra if the enterprise zone contained only properties located on Main Street.

Mr. Sebra replied that it did not. Mr. Sebra said that the enterprise zone ran throughout the Town especially in the southern part which was incorporated in 2007.

There was discussion by several Councilmembers all at once in regards to the maps provided by Zoning Administrator/Planning Director Sebra.

Mr. Sebra advised that the maps produced by the NNPDC were somewhat unclear.

Councilmember Donahue stated that it appeared that two parcels on Irvington Road were being spot zoned.

Mr. Sebra reiterated that the maps provided to Council were not very clear and apologized for that but explained that the map which showed the parcels colored were the proposed changes to the enterprise zone along with their current land use and not zoning.

D. Vice-Mayor Smith closed the public hearing.

E. Vice-Mayor Smith asked for Council discussion and/or action.

ACTION: Councilmember Nunn made a motion to

adopt the Resolution to the Northern Neck Regional Enterprise Zone as drafted regarding the amendment to the Town of Kilmarnock's Enterprise Zone, seconded by Councilmember Donahue; and carried unanimously.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from November 3, 2010 Meeting.

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

Town Manager Saunders gave the report due to Councilmember John A. Smith's absence. Mr. Saunders advised that a significant sewer line repair had taken place in the ravine behind the Bellevue/Oak Ridge section in Town that required extensive assistance from Franklin Mechanical. Mr. Saunders said that with the exception of a small portion of the graphics, the work had been completed on the Church Street water tank. Mr. Saunders continued by saying that work on the Grace Hill/Mary Ball Road pump station was proceeding and that the wet well had been set last Thursday.

Councilmember Nunn inquired about an irrigation meter for a residence on Waverly Avenue that had been listed under Repairs Pending.

Town Manager Saunders replied it was a pending request not a repair.

Councilmember Nunn wanted to know how the person was paying if no meter had been installed.

Town Manager Saunders replied that the resident did not have the meter or the capability of water use for irrigation at this time and stated that it was a pending request to have the meter installed.

2) Committee Recommendations to Council.

There were no recommendations to Council.

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

1) Report from November 4, 2010 Meeting.

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

Councilmember Donahue advised that there was an issue regarding maintenance on the parking lot behind the Rappahannock Record and other abutting businesses. Mr. Donahue said that the Committee was recommending that the Town approach those businesses and have some type of maintenance agreement drawn up between the Town and them since the parking lot was shared.

Town Manager Saunders advised that the parking area had recently been graded.

Councilmember Donahue replied that maintenance responsibility had been an ongoing issue with the parking lot since no one really owned the alley and the Committee felt it would be best to reach some type of resolution through a shared maintenance agreement. Mr. Donahue continued by saying that the Committee discussed the process of creating a "Kilmarnock Beautification Plan" and asked Assistant Town Manager Cockrell if she would comment on that.

Assistant Town Manager Cockrell responded by saying that there was a discussion and call for citizen activity to form a committee that would help build a Master Beautification Plan for the downtown area. Ms. Cockrell advised that it would be a plan to help Steptoe's and the immediate areas to look fresh and nice.

Councilmember Nunn stated that she had the first tree donation for the people park.

Councilmember Donahue continued with his report by saying that the Committee had a discussion concerning the residents who lived on old Black Stump Road and still did not have a Kilmarnock address. Mr. Donahue advised that Town Manager Saunders was still working towards resolving this issue. Mr. Donahue said that the Committee wanted to get clarification on the entrance to Baylor Park regarding VDOT's requirements and was still waiting to hear back from them. Mr. Donahue advised that there was an issue with the county public hearing regarding "No Through Trucks" on Main Street.

Town Manager Saunders clarified by saying that the county administrator was trying to coordinate with VDOT so that the process was handled properly and noted that in their current state of turmoil VDOT had not responded to Mr. Pennell's calls. In addition to advertising in the newspaper, Mr. Saunders said that Mr. Pennell believed that notification signs of intent had to be displayed. Mr. Saunders advised that they were just waiting on clarification from VDOT.

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Councilmember Donahue advised that the “No Through Trucks” rule would not pertain to farmers taking their grain down Waverly Avenue or to trucks making deliveries on Main Street. Mr. Donahue explained that the signs would pertain to the trucks that were passing through the area and should be using the bypass road instead of Main Street. Mr. Donahue continued with his report by saying that the Committee had voted unanimously to call the holiday lighting program the “Christmas Lighting Festival”. Mr. Donahue commented that the word Christmas was making a comeback to Kilmarnock. Mr. Donahue said that the Committee discussed the status of the sidewalks along Town Centre Drive and was recommending that the Town go back and finish this project which had been started over a year ago. Mr. Donahue stated that VDOT rejected the original plans that were submitted and noted that the Town Manager was trying to figure out what their new rules were. Mr. Donahue advised that VDOT’s rules seemed to be different for Kilmarnock than they were for Irvington which was advised that they could build bike trails on Route 200. Mr. Donahue said that he did not understand why Kilmarnock could not put sidewalks on its streets but Irvington could put a bike trail on the Route 200 right of way that led to Kilmarnock. Mr. Donahue stated that the Committee discussed safety issues regarding Halloween and what could be done in the future to deter dangerous situations. Mr. Donahue said that there were a lot of unsupervised children out this year wearing dark costumes and running across the streets without an adult in sight. Mr. Donahue advised that there was some discussion in the local newspaper about the Town’s email accounts. Mr. Donahue said that he and his wife had worked for large multi-national corporations and always maintained a separate email account outside of their personal one for business. Mr. Donahue advised that he thought it was in the best interest for the Town of Kilmarnock that any emails sent to him regarding Town business be sent to sdonahue@kilmarnockva.com and not to his personal email address. Mr. Donahue also thought it would be wise for every town official including the Mayor to set up a separate email address for Town business and not to co-mingle their private business with that of the Town.

Councilmember Nunn asked Mr. Donahue if he meant that the emails would go out to everyone.

Mr. Donahue replied that he did not know how all of that worked.

Councilmember Moubray advised that it would be fairly easy to set up.

Assistant Town Manager Cockrell advised that the Town had full capabilities and that Councilmembers just needed to let her know if they wanted to have a Town email account.

Councilmember Donahue continued with his report again by saying that there had been a request for a pedestrian crossing near Tri-Star Supermarket across Irvington Road to School Street which was being worked on.

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Mr. Donahue advised that the Town Christmas tree lighting would be held on November 23rd at Palmer Hall and the public was invited to attend.

2) Committee Recommendations to Council

There were no recommendations to Council.

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

1) Report from November 8, 2010 Meeting.

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

Due to the fact that Councilmember Donahue was unable to attend the Committee meeting, Councilmember Moubray gave the report. Mr. Moubray stated that they discussed the removal of animal carcasses from the highway and advised that VDOT was still handling the removals although slowly at times. Mr. Moubray stated that there were several noise complaints within the Town that were taken care of. Mr. Moubray said that there had been a citizen complaint regarding the cul-de-sac portion of old Black Stump Road and steps had been taken to remedy that situation as well.

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 November 9, 2010 meeting

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

Vice-Mayor Smith reported that Assistant Town Manager Cockrell was continuing to collect data on the incubator process. Mr. Smith said that letters were sent to Lancaster and Northumberland County Administrators in support of having a Northern Neck representative to serve on the Governor's Economic Development and Jobs Creation Commission. Mr. Smith advised that a letter also went out to the Lancaster Board of Supervisors and the county administrator supporting the need for public access to local rivers and waterways. Mr. Smith

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finalized by saying that the Business and Residential “Welcome Packets” were available and on line. Mr. Smith added that the Committee suggested that a letter be sent to every person who purchased property in Kilmarnock directing them to the website.

2) Committee Recommendations to Council

There were no recommendations to Council.

F. Town Centre Committee: Councilmember John A. Smith, Chair

1) Report from November 9, 2010 meeting.

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

Due to Councilmember Smith’s absence at the meeting, Councilmember Nunn gave the report. Mrs. Nunn stated that Town Manager Saunders had informed the Committee that he had not heard from either the library or the Community College concerning their interest in the Town’s facilities or property. However, Mr. Saunders advised that he did expect to hear something from them within the next 60 to 90 days. Mrs. Nunn advised that she gave the Committee an update regarding the dog park and was waiting to receive the last two checks from corporate sponsors. Mrs. Nunn advised that once they were received, and the loan from the Town was received, then work on the dog park could begin. Mrs. Nunn stated that Councilmember Moubray was checking into the price of fencing. Mrs. Nunn said that the Committee also discussed how to proceed with the people park. Mrs. Nunn advised that names for the potential park advisory committee were given to Town Manager Saunders. Mrs. Nunn reminded Councilmembers that advisory committees could only be appointed by Council and referred to when the Mayor appointed an Economic Development Advisory Committee. Mrs. Nunn noted that the Economic Development Committee had a few names that they wanted added to that advisory committee. Mrs. Nunn continued with her report by saying that the Committee had discussed the deteriorating conditions of the Police Department and the Assistant Town Manager’s office. Mrs. Nunn added that the rest room in that building was in horrible condition and the roof leaked. Mrs. Nunn said that Town Manager Saunders had suggested compartmentalizing the Town Hall by putting in cubicles for the police and Ms. Cockrell and moving the Town Council meetings to the library or Chesapeake Bank Training Center.

2) Committee Recommendations to Council

There were no recommendations to Council.

G. Administration/Finance Committee: Vice-Mayor Smith, Chair

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1) Report from November 5, 2010 meeting.

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

Vice-Mayor Smith advised that the Committee set a date for the Town Council work session with Robinson, Farmer, Cox and Associates regarding the Town's 5-year financial outlook. Mr. Smith said it was decided that the work session would be held January 15th at 8:30 am with January 22nd as an alternative date. Mr. Smith stated that the Committee also discussed the potential for involving Attorney John Hutt in the process of collecting delinquent taxes. Mr. Smith advised that Mr. Hutt handled collections requiring liens for several other local jurisdictions. Mr. Smith stated that Councilmember Donahue requested a review of the penalty time for delinquent meals and lodging taxes. Mr. Smith noted that currently the late payment penalty was the same whether paid one day late or twenty days late.

Councilmember Nunn said that she felt the penalty should increase every day that it was late.

Vice-Mayor Smith responded by saying that the Committee was in the process of checking with other municipalities to see what they were doing. Mr. Smith continued with his report by saying that the Committee furthered their discussion regarding the unfilled Steptoe's maintenance position. Mr. Smith finalized by saying that the Committee recommended not to fund a Christmas party this year due to the state of the economy.

Councilmember Moubray asked Vice-Mayor Smith if the Committee would discuss the Kilmarnock Fire Departments request for financial assistance at their next meeting.

Vice-Mayor Smith replied that the Committee would place the fire department's request on their meeting agenda.

Councilmember Jones requested that the Committee provide Council with their recommendation at the December meeting.

Vice-Mayor Smith said that the Committee would have a recommendation for the December meeting.

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from October 19, 2010 to November 15, 2010.

ACTION: Councilmember Moubray made a motion to

approve the disbursements from October 19, 2010 to November 15, 2010 as presented, seconded by Councilmember Nunn; and carried unanimously.

b. Recommend that the Council Work Session on the Town's 5-year financial outlook be held on January 15th, 2011, at 8:30 am with the alternative date set for January 22nd, 2011.

No action was taken. It was the general consensus of Council to schedule the work session for the above date.

6. Administrative Comments and Reports: Town Manager Saunders

A. CDBG Progress Report

Mr. Saunders stated that the project had reached a point where contractors could be seen on jobsites and where there was quite a bit of progress. Mr. Saunders advised that the pump station was well underway and that the contract for the water/sewer lines to be installed along Mary Ball Road had been signed and was in the process of being finalized. Mr. Saunders said that the Town was fortunate to have wonderful people working on the management committee, rehab committee, and the advisory committee who met every month and were faithful about doing so. Mr. Saunders said that these people, as well as Marshall Sebra and Judy Stevens who kept the books, had put in a lot of hard work. Mr. Saunders finalized by saying that all in all the project was going well.

B. Mercer Place Groundbreaking Ceremony

Town Manager Saunders advised that the Mercer Place Groundbreaking Ceremony had been set for Tuesday November 16th at 11:00 am at the Saint Andrews Community Room. Mr. Saunders advised that all Councilmembers had been invited.

C. Lancaster Courthouse Dedication

Town Manager Saunders advised that the Lancaster Courthouse Dedication was scheduled for Monday, November 29th at 5:00 pm.

D. Town Honored by Sons of the American Revolution

Town Manager Saunders advised that he was honored to attend a meeting of the Sons of the American Revolution where the Town of Kilmarnock was recognized for the proper and respectful display of the American flag.

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Councilmember Nunn said that the Town received the recognition because of Councilmember Jones who found the money needed so that she could order the flags when she was Chairman of the Streets Committee.

There was a round of applause.

8. Old/Unfinished Business

There was no Old Business discussed.

9. New Business

Enter into Closed Session as permitted by 2.2-3711(A) (1) Personnel

Town Manager Saunders commented that he was not sure this was the proper time to have this Closed Session.

Councilmember Donahue and Councilmember Nunn agreed with Mr. Saunders.

Town Attorney Stamm advised that someone could make the motion to eliminate the Closed Session.

Councilmember Donahue replied that he would make that motion.

ACTION: Councilmember Donahue made a motion to eliminate the Closed Session,

Councilmember Nunn added the words "and reschedule it" and asked Mr. Donahue to put them in his motion.

Councilmember Donahue replied that he did not want to add that to his motion. Mr. Donahue said that he had to move on.

Vice-Mayor Smith advised that there was a motion on the floor to cancel the Closed Session and asked if there was a second.

Councilmember Moubray seconded Councilmember Donahue's motion.

Vice-Mayor Smith asked if there was any discussion.

DISCUSSION:

Councilmember Nunn said that she would like to amend the motion to say "postpone" because Council was going to need to have a Closed Session

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eventually about the issue.

Vice-Mayor Smith stated that was not a part of this motion. Vice-Mayor Smith said that the motion on the floor was to cancel the Closed Session altogether.

Vice-Mayor Smith called for the vote.

Councilmember Jones said that he would like to enter into Closed Session but was going to vote to leave it like it was.

Councilmember Nunn asked Mr. Jones to clarify how he was voting.

Councilmember Jones said that he was voting yes to postpone the Closed Session until a later date.

Vice-Mayor Smith explained that the motion made by Councilmember Donahue was to cancel Closed Session period, not to postpone it.

Vice-Mayor Smith explained to all Councilmembers that the motion currently on the floor was that the Closed Session be cancelled, and it had received a second.

Vice-Mayor Smith called for the vote a final time, which was unanimous in favor of cancelling the Closed Session.

10. Council Comments

There were no Council comments other than Mrs. Nunn inquired as to where the Mayor was.

An individual from the audience replied that Mayor Booth was ill.

11. Adjournment

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

Meeting adjourned at 8:07 pm

Prepared by:

Joan N. Kent

William L. Smith, Vice-Mayor

Jacqueline L. Blencowe, Clerk