

January 24, 2011

**KILMARNOCK TOWN COUNCIL
Monday, January 24, 2011
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 L. 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.
Paul C. Stamm, Jr., Town Attorney
Jackie Blencowe, Town Clerk
Cindy Balderson, Deputy 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: Vice-Mayor Smith made a motion to accept the agenda for the January 24, 2011 Regular Town Council meeting as presented, seconded by Councilmember Moubray; and carried unanimously.

3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held December 20, 2010.

ACTION: Councilmember Moubray made a motion to approve the December 20, 2010 Regular

**Town Council Meeting Minutes as presented,
seconded by Councilmember Donahue;
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.

Mr. Jimmy Crandall and his wife Tammy of 383 Waverly Avenue, Kilmarnock, VA, were present to voice their concern about the noise coming from the blowers at the Wastewater Treatment Plant. Mr. Crandall stated that he was aware that the Town had put covers over the blowers but said that they could still hear them at night especially with the wind blowing in a certain direction. Mr. Crandall advised that he spoke with Pat Chenoweth, Chief Operator, and was wondering if the Town could contact the company that made the covers for the blowers to see if they had something better than those that were purchased two years ago. Mr. Crandall stated that he and his wife had lived near the Wastewater Treatment Plant for 23 years and they had no problems until the blowers were put in. Mr. Crandall suggested that maybe the Town could build a structure over the blowers and finalized by asking the Town to please check into doing something that would lower the noise level.

Councilmember Nunn noted that she had been to Mrs. Crandall's mother's house during cocktail hour and they had to raise their voices to be heard. Mrs. Nunn agreed that the blowers were noisy.

Mayor Booth said that this issue had come up during the Water/Sewer Committee meetings but those who checked into it found no significant noise level change. Mr. Booth added that maybe that determination had changed now. Mayor Booth asked Town Manager Saunders if he had any comments on the issue.

Town Manager Saunders replied that he had spoken with Mr. Crandall and had received a letter from him. Mr. Saunders said that the issue would be brought to the attention of the Water/Sewer Committee to see what, if anything, could be done.

Councilmember Nunn asked Town Manager Saunders if he thought it would be possible to go back to the company where the blowers were purchased.

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Town Manager Saunders replied that nothing was malfunctioning so he did not feel the Town had recourse in that aspect. Mr. Saunders said that he would check to see what additional steps could be taken.

Councilmember Moubray advised that this issue had been discussed during committee meetings and added that they would do their best to remedy the situation.

Councilmember Donahue asked if something had changed recently at the Wastewater Treatment Plant to increase the noise.

Councilmember Moubray said that as far as he knew the noise level changed when the new blowers were installed. Mr. Moubray said that he was sure the noise was worse in the winter due to the leaves being off the trees.

B. Planning Commission Report: Councilmember Smith, Liaison

Mayor Booth stated that Council Liaison John A. Smith was absent but noted that Planning Commission Member Steve Bonner was seated in the audience and asked if he would like to give the report.

Commission Member Bonner stated that the Planning Commission was working on the revision of the Comprehensive Plan. Mr. Bonner said that chapters of the Comprehensive Plan had been divided among Commission Members to revise and those members had reported their findings at the last meeting. Mr. Bonner said that there was also a Citizens Advisory meeting held by Zoning Administrator/Planning Director Marshall Sebra.

5. Public Hearing

There were no public hearings scheduled.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from January 5, 2011 Meeting.

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

In the absence of Councilmember John A. Smith, Councilmember Moubray gave the report. Mr. Moubray stated that the Committee discussed a bill received from Wastewater Management and they are investigating an additional amount added to the contractual amount that was agreed upon. Mr. Moubray said that the Committee was still working on the ordinance concerning private wells. Mr.

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Moubray added that there was discussion concerning standing water in the alleys and the need to review capital spending needs for the upcoming years. Mr. Moubray finalized by saying that water and sewer line installation would begin this month at Mary Ball Road and Grace Hill Subdivision.

2) Committee Recommendations to Council.

There were no recommendations to Council.

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

1) Report from January 6, 2011 Meeting

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

Councilmember Donahue stated that he was absent and asked Councilmember Nunn to give the report.

Councilmember Nunn said that seven individuals had come forward to serve on the Kilmarnock Beautification Advisory Board according to Assistant Town Manager Cockrell. Mrs. Nunn said that the Committee received an update from Mr. Rosenbaum who advised that it did not appear that the Town would need a turn lane at the entrance of Baylor Park. Mrs. Nunn said that the Committee was still considering a maintenance position for the Steptoe's area which would require a budget change. Mrs. Nunn said that the county Board of Supervisors were having a meeting regarding "No Through Trucks" on Main Street on Thursday, January 27th. Mrs. Nunn stated that she contacted corporate sponsors regarding the dog park and got a \$5,000 commitment but advised that she was still waiting for one of the sponsors to send in their \$500. Mrs. Nunn said that Councilmember Donahue said most graciously that he would donate \$500 from the Kilmarnock Inn and she was still waiting for his check as well.

Councilmember Donahue presented Councilmember Nunn with a \$500 check from the Kilmarnock Inn.

Councilmember Nunn said that she was pleased and announced that she now had the \$5,000 for the dog park.

Councilmember Donahue added as a point of clarification that Mrs. Nunn announced at the Committee meeting that one sponsor could not fulfill their obligation leaving them short so he stepped up and advised her that he would donate \$500 from the Kilmarnock Inn. Mr. Donahue said that he was not delinquent on payment as Mrs. Nunn had presented him to be.

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Councilmember Nunn said that she was going to chase down the other sponsor and noted that the Committee still had to sell a hundred bricks. Mrs. Nunn said that the reason that the dog park had not progressed was because the deal was that she had to have the \$5,000 in hand so Council would lend the Committee \$5,000. Mrs. Nunn said that she did not want to start the park until she had all of the money. Mrs. Nunn thanked Mr. Donahue and said that she did not mean in any way that he was a delinquent sponsor.

2) Committee Recommendations to Council

There were no recommendations to Council.

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

1) Report from January 10, 2011 Meeting.

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

Mayor Booth stated that since Councilmember Donahue was unable to attend the meeting he would give the report. Mr. Booth advised that Ron Loving had been hired to fill the vacant patrol officer position and would begin receiving his qualification at the academy on January 24th. Mr. Booth said that the Committee also discussed the status of reward pledges made during the rape crisis last year and agreed to wait until the completion of the trial before making a determination. Mr. Booth stated that the new police car had been put in the shop recently for the replacement of a faulty torque converter which was covered under warranty.

Councilmember Moubray made the annual presentation of the fire department license plates to Chief Balderson of the Kilmarnock Volunteer Fire Department.

Mayor Booth complimented Chief Balderson on the outstanding job done by the Kilmarnock Volunteer Fire Department and on behalf of Council wanted him to know how much they appreciated their contribution to the Town.

2) Committee Recommendations to Council

There were no recommendations to Council.

D. Emergency Preparedness Committee: Councilmember Moubray
Chair

1) Report from January 10, 2011 Meeting.

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

Councilmember Moubray stated that the YMCA was still being used as the emergency shelter. Mr. Moubray said that Mr. Scott Hudson wanted to inform everyone that there was an upcoming Lancaster County Emergency Preparation Committee quarterly meeting on January 25th.

Councilmember Nunn said that she was asked by citizens if the Emergency Preparedness Committee or the Police and Public Safety Committee had ever considered having an auxiliary police force made up of retired individuals who knew how to handle weapons in case an emergency happened.

Councilmember Moubray said he thought that the Town had one years ago.

Town Attorney Stamm replied that was how L.P. Schools got started in law enforcement.

Town Manager Saunders said that the county had a program called CERTS which was a certified emergency response team but noted that it was not geared towards the police.

Councilmember Nunn said that the citizens she talked to were wondering about emergency situations that required traffic control and other duties as such that would help the police but noted they did not necessarily have to carry weapons.

Town Attorney Stamm stated that things had changed in this day and time regarding liability.

Councilmember Nunn said that they would certainly have to have some type of training.

Councilmember Moubray stated that the Committee would check into this issue and discuss it at the next meeting.

2) Recommendations to Council

There were no recommendations to Council.

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

1) Report from January 11, 2011 meeting

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

Vice-Mayor Smith said that the Committee continued to examine the incubator process and how it was being implemented in other towns.

2) Recommendation to Council

There were no recommendations to Council.

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

There was no meeting held.

G. Administration/Finance Committee: Vice-Mayor Smith

1) Report from January 7, 2011 meeting.

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

Vice-Mayor Smith advised that the Committee wanted to recognize employees P.J. Jones who had celebrated 5 years of employment and James Seagle who had celebrated 15 years of employment with the Town. Mr. Smith stated that on January 15th the Committee held a work session with Robinson, Farmer, Cox, & Associates and he was sorry to say that the session was poorly attended by Councilmembers noting that only he and the Mayor were present. Mr. Smith said that he wanted to thank the Town Manager, Assistant Town Manager, Town Treasurer, and the Town Attorney for their attendance. Vice-Mayor Smith stated that he would like to encourage Councilmembers to make their Committee meetings because that was where most of the work needed to get done. Mr. Smith commented that the attendance in the Committee meetings that he chaired had been poor. Mr. Smith said that the Town had received the annual audit and noted that Mrs. Judy Stevens had done an excellent job in keeping up with the Town's transactions. Mr. Smith stated that the Committee was still looking at John Hutt's delinquent tax collection process. Mr. Smith finalized by saying that the application of business licenses to non-licensed merchants selling through existing businesses was discussed and the Committee was looking into how to address this.

2) Committee Recommendations to Council

Recommend that Council approve the disbursements from December 21, 2010 to January 24, 2011.

ACTION: Councilmember Donahue made a motion to

approve the disbursements from December 21, 2010 to January 24, 2011 as presented, seconded by Vice-Mayor Smith; and carried unanimously.

6. Administrative Comments and Reports: Town Manager Saunders

A. CDBG Progress Report

Town Manager Saunders stated that there was continued progress on the Mary Ball Road and Grace Hill pump station in spite of all the bad weather. Mr. Saunders said that the control building was in place and the wet well was finished. Mr. Saunders advised that the Town would assist with installing the pumps and doing the electrical work. Mr. Saunders finalized by saying that they hoped to have it in operation by the end of February.

B. Clarification of Article Regarding Financial Work Session

Town Manager Saunders said that he appreciated the coverage by the Rappahannock Record on the work session but advised that there needed to be one correction made on the article that was printed. Mr. Saunders stated that the figure of 1.4 million in connection fees for last year was a slight exaggeration. Mr. Saunders said that the figure was more like \$300,000. Mr. Saunders noted that he wanted to clear that up so people would not think that the Town had hit the lottery.

C. Community College RFP

Town Manager Saunders stated that this was a really significant item because Rappahannock Community College was seeking space in the lower part of Lancaster County and would be accepting proposals until February 7th.

D. Employee Transfer to WWTP

Town Manager Saunders advised that Town employee P.J. Jones had transferred from the Public Works Department to the WWTP.

E. Entrance to Baylor Park

Town Manager Saunders advised that he met with VDOT and there would only have to be minor modifications made for the entrance of Baylor Park because of the Town's pump station at the end of North Main Street. Mr. Saunders said that it was currently under review and he would have more information next month.

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Councilmember Donahue recommended that Council make some type of incentive in attracting Rappahannock Community College to choose Kilmarnock instead of leaving it wide open for another jurisdiction to solicit. Mr. Donahue suggested that the Town be a little more aggressive instead of so passive by just hoping and praying that the college chose Kilmarnock. Mr. Donahue said that he hoped the Town could come up with something to make them say that Kilmarnock was their destination. Mr. Donahue stated that he felt they were using a passive approach to an excellent opportunity. Mr. Donahue said there was a need to come forward as Council to encourage them whether it was in the form of a letter or a resolution.

Town Attorney Stamm advised that Town Manager Saunders had been on top of the situation since the day the college had made the announcement on their website. Mr. Stamm said that it was aggressively being pursued by Kilmarnock and noted that neither Irvington nor White Stone had the space available.

Councilmember Nunn had knowledge that the college was actively looking at the Town of Kilmarnock but noted that she was not at liberty to say exactly where.

Town Manager Saunders said the community college had been made fully aware that they would be welcomed in Kilmarnock.

Councilmember Donahue said that he felt it would be better to send something from the Mayor and Council to the college to reinforce that they have the total support of the Town of Kilmarnock.

Town Attorney Stamm advised Councilmember Donahue to make a motion, get a second, and have a resolution drafted to that effect.

Town Manager Saunders reiterated that the college had been made fully aware of the Town's interest. Mr. Saunders stated that for a while this was not for public knowledge.

ACTION: Councilmember Donahue made a motion for a Resolution of Support signed by the Mayor to be presented to Rappahannock Community College, seconded by Vice-Mayor Smith; and carried unanimously.

8. Old/Unfinished Business

Need for Council representation at the January 27th public hearing held during the Lancaster County Board of Supervisors meeting regarding "No Through Truck" restrictions on Rt. 3/Main Street.

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Town Manager Saunders stated that the public hearing was the third item on docket for that night and he did not expect a lot of opposition. Mr. Saunders said that he did think it was important for some members of Council to be present at the hearing. Mr. Saunders noted that both he and Marshall Sebra would be attending.

Councilmember Donahue stated that he would represent Council at the public hearing.

9. New Business

There was no discussion under "New Business".

10. Council Comments

Councilmember Nunn thanked Ms. Pam Deihl, who was seated in the audience, for allowing the Town to place the Christmas tree in front of the Palmer Building and use the building for the tree lighting ceremony during the holidays.

Mayor Booth advised that he wanted to comment on the workshop that took place on January 15th. Mr. Booth said that it was well planned and thanked Town Manager Saunders and Assistant Town Manager Cockrell. Mr. Booth felt that the article in the Rappahannock Record may have given many residents the impression that staff supported a tax increase and possibly an increase in water rates. Mr. Booth noted that he attended the meeting and stated that he was not so sure that this was as firmly communicated as it seemed to be in the paper. Mr. Booth said it was apparent that there was a \$100,000 surplus and that water/sewer operations did have a small profit. Mr. Booth advised that staff and/or some Councilmembers might support an increase in taxes and water rates but the Town was beginning its budget process, and he wanted to assure the residents of the Town that he believed what he saw in the financial workshop represented compelling evidence that there was no need to raise taxes or water rates in this budget year. Mayor Booth said that he would work aggressively to see that neither taxes nor water rates were raised.

Councilmember Nunn stated that she was not aware of any Councilmembers who were for raising taxes or water rates.

Councilmember Donahue said that he agreed with the Mayor and noted that absolutely the Town could not raise taxes but also noted that within the last month and a half the Town had learned that the fire department needed assistance in funding. Mr. Donahue said that they had to look at the budget and decide where to make cuts in order to fund the necessary services for the Town without increasing taxes.

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Mayor Booth agreed with Councilmember Donahue and said that Council needed to make spending decisions more wisely and not burden the citizens who were already over-burdened from bad economic times.

Councilmember Nunn asked if the Town had a pension plan for employees.

Town Manager Saunders replied that the Town did have a pension plan for employees.

Councilmember Nunn said that pension plans were costing most municipalities at least fifty percent of their budget and wanted to know if Kilmarnock had a pension or 401K.

Councilmember Donahue replied that it was out of their control and there was nothing that could be done about that.

Town Attorney Stamm advised Councilmember Nunn that the Town was under the Virginia Supplemental Retirement System.

Councilmember Donahue stated that it was a fully funded state pension.

Councilmember Nunn wanted to know if the Town provided matching funds for each employee.

Town Attorney Stamm replied that they do just like the other municipalities do.

Councilmember Nunn said that she did not want to stop it she just wanted to understand it.

11. Adjournment

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

Meeting adjourned at 7:50 pm

Prepared by:

Joan N. Kent

Raymond C. Booth, Jr., Mayor

Jacqueline L. Blencowe, Clerk