

February 28, 2011

**KILMARNOCK TOWN COUNCIL
Monday, February 28, 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	Rebecca Nunn
Paul S. Jones	John A. Smith
Randy Moubray	

Members Absent:

William L. Smith, Vice-Mayor
Shawn Donahue

Staff Present:

Tom Saunders, Town Mgr.
Susan Cockrell, Asst. Town Mgr.
Jackie Blencowe, Town Clerk
Michael S. Bedell, Chief of Police

Prior to proceeding with the docket, Mayor Booth made several announcements.

Mayor Booth paid tribute to dear friend, public servant, and Chairman of the Planning Commission, Claudia Williamson, who passed away Tuesday of last week. Mayor Booth commented on the nice service that was held for her on Saturday, which was attended by several members of Town government. Mayor Booth said that Claudia had served multiple terms on the Kilmarnock Planning Commission and was a very well liked, selfless person who contributed a lot of her time to Town issues during the past twelve to fifteen years. Mayor Booth stated that Claudia was a kind, gentle soul who would be greatly missed and expressed appreciation for everything that she did for the Town of Kilmarnock. Mayor Booth advised that the Planning Commission will probably compose a resolution or some suitable tribute in her honor which would be forwarded to Council for endorsement.

Mayor Booth announced that Town Attorney, Chris Stamm, had a heart related health issue that required surgery. Mayor Booth said that Mr. Stamm was currently on the mend and would be back to work soon. Mayor Booth stated that it

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was good to see Councilmember, Johnny Smith, back and hoped that his leg was healing after his misfortune. Mayor Booth said that among all of the bad things that had happened, something good had happened as well. Mayor Booth congratulated Marshall Sebra on his second born son, Sawyer, who was born last Monday. Mayor Booth thanked Mr. Bill Blocher for agreeing to serve as parliamentarian in Mr. Stamm's absence. Mayor Booth recognized Planning Commission Member, Steve Bonner, who was present in the audience and then continued to the agenda.

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 Moubray made a motion to accept the agenda for the February 28, 2011 Regular Town Council meeting as presented, seconded by Councilmember Smith; and carried unanimously.

3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held January 24, 2011.

ACTION: Councilmember Moubray made a motion to approve the January 24, 2011 Regular Town Council Meeting Minutes as presented, seconded by Councilmember Nunn; 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. John O'Keefe and Ms. Nan Flynn were present on behalf of Habitat for Humanity to request a reduction by 20% of the water/sewer connection/capital recovery fee for three houses on Wiggins Avenue.

Mr. John O'Keefe, President of the local affiliate of Habitat for Humanity advised that his group was one of approximately 1300 throughout the United States. Mr. O'Keefe stated that they had been in existence since 1996, built their first house in 1998, and averaged one house per year thereafter. Mr. O'Keefe said that there seemed to be a greater need in this area for their services so

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they were currently trying to complete two houses per year. Mr. O'Keefe stated that their homeowners were referred to as partner families. Mr. O'Keefe said that one partner family member worked at Farm and Home Supply in Kilmarnock, one worked at the Lancashire in Kilmarnock, one used to work at Carwash Café in Kilmarnock, and the home that they were currently building was for a Town policewoman. Mr. O'Keefe stated that seven churches, including three from Kilmarnock forwarded the money for the current home. Mr. O'Keefe advised that they were dependent on the generosity of the local community in order to do what they did. Mr. O'Keefe said that the Wiggins Avenue property was given to them and the land survey was done pro-bono. Mr. O'Keefe stated that someone had offered to put the water/sewer in and Habitat for Humanity would only have to pay for the materials. Mr. O'Keefe said in regards to the house for the Town Police Officer, the churches were going to build that one. Mr. O'Keefe advised that the land was cleared pro-bono and the house was already under construction. Mr. O'Keefe said that church members were going to frame up the house and there was a group coming from Canada to also help with the framing. Mr. O'Keefe advised that they were looking for whatever help the Town could give so they would not have to tell their partner families that it was going to cost an extra \$10,000 for water/sewer because they were building a house in Kilmarnock. Mr. O'Keefe said that they usually dug a well and did their own septic.

Ms. Nan Flynn provided Council with the actual Quickbooks cost for the house that was just completed in 2009. Ms. Flynn said that they chose to use that particular house for comparison because the house that they were currently finishing was a little larger in size because the family who would occupy it was somewhat larger in size. Ms. Flynn showed Council the numbers for a basic house noting that the highlighted numbers were related to utilities. Ms. Flynn said that the price of the septic system was the actual cost of putting it in because they paid for the materials and donors in the area did the labor. In regards to the well, Ms. Flynn said that she jacked that number up just a little because the number used was an old one. Ms. Flynn stated that the final cost for the home came in at around \$55,000. Ms. Flynn advised that the partner family would have a note for a first and second mortgage ensuring that there were no handouts. Ms. Flynn advised that for the Wiggins Avenue house, they were looking at figures that were a little different. Ms. Flynn said that Mr. Franklin gave them a figure of \$700 for installation of water/sewer up to the Town main line and then there was the municipal fee of \$10,000 which was pretty substantial for their homeowners. Ms. Flynn asked for some relief with that. Ms. Flynn stated that partner families were paying these mortgages back which were then being used to build future homes and compared it to being like sort of a revolving loan. Ms. Flynn finalized by saying that any relief they could get for these homes and future homes would be greatly appreciated by the owners.

Councilmember Nunn asked if the Town's fee was \$10,000 or \$10,500.

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Town Manager Saunders replied that it was \$10,095.

Councilmember Jones asked Town Manager Saunders if the Town had ever reduced the fees for anyone before.

Town Manager Saunders replied that he did not know since he had only been with the Town for a year.

Councilmember Jones commented that he did not think that the Town had.

Councilmember Nunn asked Mr. O'Keefe and Ms. Flynn if there were two other lots in Town that they intended to build on in the future.

Mr. O'Keefe replied that the parcel given to them was one lot which was subdivided into two lots and he believed that the larger of those two lots could be further subdivided giving them a total of three lots for three homes.

Councilmember Nunn clarified that they intended to build three homes.

Mr. O'Keefe said that they could legally build two houses on the property now but were asking for leniency for three houses in case the land could be subdivided once again.

Town Manager Saunders said that a recommendation would be presented to Council during the Water/Sewer Committee Report if they wanted to wait until then.

B. Planning Commission Report: Councilmember Smith, Liaison

Council Liaison, John A. Smith, stated that the Kilmarnock Planning Commission was still in the process of revising the Comprehensive Plan.

5. Public Hearing

There were no public hearings scheduled.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from February, 2011 Meeting.

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

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Councilmember Smith said that Mr. O’Keefe and Ms. Flynn were present at the Committee meeting to discuss their request for a one-time reduction in the standard residential connection/capital recovery fee for the proposed houses on Wiggins Avenue. Mr. Smith stated that the Committee was furnished a draft of a Code text amendment that would permit private wells for irrigation purposes and would be making a recommendation to Council for approval. Mr. Smith said that a copy of the text amendment was included in each Councilmember’s packet. Mr. Smith stated that the Committee was also given copies of the draft for the FY 2012 CIP budget and asked to review it and provide feedback where necessary. Mr. Smith said that the Committee also discussed at length the WWTP blower noise complaints/letters received from the Crandalls and Umphletts and asked Councilmember Moubray if he would address that.

Councilmember Moubray said that Mr. Crandall had talked with WWTP Chief Operator, Pat Chenoweth, and thanked her for the Town’s effort in dealing with the problem. Mr. Moubray stated that the Committee was still working to find a solution to the noise issue and was checking into several things. Mr. Moubray said that he had spoken with Mr. Crandall several times both at his home and at Mr. Moubray’s shop and they were continuing to work together to reach a resolution.

Councilmember Smith stated that there were a few water leaks in Town which were remedied by the Maintenance Department and he thanked them for their efforts.

2) Committee Recommendations to Council.

a. Reduce water/sewer connection/capital recovery fee for three Habitat for Humanity houses on Wiggins Avenue by 20%.

ACTION: Councilmember Nunn made a motion to reduce the cost of water/sewer connection/capital recovery fee by 20% for three Habitat for Humanity houses on Wiggins Avenue, seconded by Councilmember Moubray;

DISCUSSION:

Councilmember Jones asked Town Clerk Blencowe if she had any recollection of anyone ever asking and receiving a reduction before. She did not.

Councilmember Moubray advised that the “Partners” had asked but were denied.

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Councilmember Jones stated he was concerned that if the Town did this once then others would come forward expecting the same. Mr. Jones said it also concerned him that others had asked and were denied. Mr. Jones assured Mr. O'Keefe it was nothing personal against Habitat for Humanity because he had helped build one of their houses and would not mind helping with this one. Mr. Jones said that he felt the Town needed to examine this issue a little more closely before granting a reduction.

Councilmember Nunn stated that "Partners" had asked for a master meter instead of having each apartment metered adding that the Town ended up spending more money than they would have if they had given them a break. Mrs. Nunn advised that it turned out to be more costly for the Town to lay the pipes than if they had been allowed to do it themselves for a discount. Mrs. Nunn stated that this request was not coming from a foundation or affordable housing but from people who could not afford a house and said that if the churches and individuals from Canada were going to help then she felt that the Town should do their part.

Town Manager Saunders said that he had to agree with Councilmember Jones that Habitat for Humanity was a very worthy cause but also felt that this would open the door for others to make similar requests and worried that it would set a precedent. Therefore, Mr. Saunders suggested that if Council allowed the request then they put a cap on this type of reduction allowing only one a year.

Councilmember Nunn asked the Town Manager if he meant to put a cap on Habitat for Humanity housing or if he meant to put a cap on it as to say that this was it and there would be no others for ten years.

Town Manager Saunders said that there were other folks in Town who wanted to be on the water/sewer system but could not afford to pay the connection fee.

Councilmember Nunn replied that she was aware of that and had discussed it with the Mayor earlier in the day. Mrs. Nunn said that she did not agree with the people on the Community Block Grant not paying a connection fee when there were people living on Harris Road with failing wells and the Town could not help them.

Town Manager Saunders commented that there were certainly fairness issues concerning this request. Mr. Saunders said that he was suggesting that the Town ration reductions out whether it was one a year or two, reminding Council that they stood very firm with Partners and Mr. Jones Felvey who both asked for relief in the same regards.

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Mayor Booth advised that the raw costs of the hook-up fees were only a fraction of what was actually charged and noted that a lot of people knew it. Mr. Booth stated that what had to be realized was that there was a lot of administration and essential maintenance for this infrastructure but said that he supported some mitigation for the Habitat homes. Mayor Booth said that he had discussed this issue at length with Vice-Mayor Smith, who could not make the meeting, but the question seemed to be what the right amount was. Mayor Booth stated that he knew the prevailing argument against any mitigation was that it did set a bad precedent because once fees were reduced for one party then the rest of the folks would come along and want their fees reduced as well. Mayor Booth contended that the Habitat construction entertained a different status than that of workforce housing such as the Jones Felvey project and Mercer Place. Mr. Booth finalized by saying that the question here was if it was the right thing to do.

Councilmember Jones asked if Jones Felvey had asked for a break.

Town Manager Saunders replied that Mr. Felvey had asked former Town Manager Burluson for a fee reduction which was denied.

Councilmember Jones stated that although Mr. Felvey's housing was not Habitat for Humanity, it did serve the purpose of helping people to be able to have a home. Mr. Jones said that he just felt that granting this request would open the door for other charities to want the same treatment.

Councilmember Nunn said that she felt that there was a difference when the request came from a foundation or an individual than from Habitat for Humanity which was all over the country. Mrs. Nunn advised that nobody was making any money from this and noted that even the churches were helping. Mrs. Nunn added that there was a history of other municipalities not charging them anything at all. Mrs. Nunn said that she thought the Town should do this but like Mr. Saunders had said make it a one-time thing. Councilmember Nunn withdrew her previous motion and replaced it with the following.

ACTION: Councilmember Nunn made a motion to reduce the water/sewer connection/capital recovery fee for the 3 Habitat for Humanity Houses on Wiggins Avenue by 20% on a one-time basis only, seconded by Councilmember Moubray; and carried with a 3 to 1 vote in favor of the motion. (Councilmember Jones opposed)

b. Approve submitted draft of Code text amendment for private irrigation wells and call for a public hearing at March Council meeting.

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Councilmember Nunn advised that she had received phone calls from citizens in Town who wanted to have gardens but could not afford to water them. Mrs. Nunn said that Town Manager Saunders and Town Attorney Stamm both conducted research and found that a lot of municipalities allow a property owner to have a shallow 200 ft. well as long as it was not used to service any property other than their own. Mrs. Nunn stated that she just wanted to clarify that this text amendment did not mean that Town residents could just suddenly go out and dig a well.

ACTION: Councilmember Moubray made a motion to approve the submitted draft of the Code text amendment for private irrigation wells and to call for a public hearing at the March Council meeting, seconded by Councilmember Smith; and carried unanimously.

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

1) Report from February, 2011 Meeting

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

Town Manager Saunders gave the report in Councilmember Donahue's absence.

Mr. Saunders said that the Committee discussed the outcome of the Lancaster County Board of Supervisors' public hearing on Kilmarnock's request for Through Truck Restrictions which was approved by the county. Mr. Saunders advised that Councilmember Donahue attended the meeting and spoke on the Town's behalf. Mr. Saunders stated that the Committee discussed the purchase of a small street sweeping machine for the public works department and added he would be making that recommendation to Council. Mr. Saunders reported that the vacancy was filled in the Public Works department by Mr. Kenny Lee who was a native of Kilmarnock.

2) Committee Recommendations to Council

a. Purchase Green Machine 414 from Tennant Company for \$19,500.

ACTION: Councilmember Nunn made a motion to authorize the purchase of the Green Machine 414 from Tennant Company for

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\$19,500, seconded by Councilmember Smith;

Discussion:

Councilmember Jones asked Town Manager Saunders what became of the old street sweeper that was purchased several years ago. Mr. Jones wanted to know if it could be sold on GovDeals.com.

Town Manager Saunders stated that he would look into that adding that it still might have some role to play.

Councilmember Jones asked if the Green Machine was going to be suitable for what needed to be done in Town.

Town Manager Saunders replied that there would still be some hands-on work required but advised that it would take care of the Steptoe District's needs and then added that the Town might have to hire a part-time seasonal employee.

Councilmember Jones asked Town Manager Saunders how the Green Machine dumped.

Town Manager Saunders replied that the hood opened to expose the bag and then the bag was lifted and dumped.

Councilmember Jones replied that was the problem with the last one; the employees could not lift the bag after they swept the street.

Town Manager Saunders stated that was going to be a challenge this time as well.

Councilmember Jones commented that the bag weighed about 300 lbs when it was full.

Mayor Booth replied that the employees may have to only fill it half way up and then dump it.

Councilmember Jones said that it was a real issue and he did not want to invest \$19,500 in something that was not going to work out. Mr. Jones said that he was not objecting to the purchase but he wanted to be sure it was going to benefit the Town.

Town Manager Saunders replied that there was no one machine that was going to do everything that they wanted it to do. Mr. Saunders said that this was just a small model that would help clean the downtown area. Mr. Saunders stated that if they decided to expand outward and do a larger section of

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Town then they would have to purchase a bigger machine. Mr. Saunders said that he kept hoping that he could find a contractor that would commit to coming in every two months to do the sort of sweeping that Councilmember Jones was referring to.

Mayor Booth called for the vote which was unanimous.

Councilmember Nunn announced that \$5,000 had been collected and they were expecting another \$500 to come in for the dog park. Mrs. Nunn stated that she had sold fifteen bricks. Mrs. Nunn said that the Committee hoped to start construction in March and then hold a grand opening during the first week of June. Mrs. Nunn advised that the fire department was working on getting Lassie to appear for the grand opening and she had spoken to the owner of the grand champion of the Westminster Dog Show from Western Virginia and was hoping that they would attend. Mrs. Nunn informed everyone that they could sell bricks and that the forms were with Assistant Town Manager Cockrell. Mrs. Nunn advised that they hoped to construct the dog park with black chain link fence measuring 150 x 100 feet with wrought iron fencing in the front and a patio made partially from the sold bricks placed in front of the wrought iron gate. Mrs. Nunn said that the area would be divided to accommodate small and large dogs. Mrs. Nunn commented that there would be fire hydrants, water bowls, and agility equipment throughout. Mrs. Nunn said that there would be an area to hang the leashes on when entering because all dogs would have to be off-leash in the park.

Councilmember Moubray said that they may not be able to have the wrought iron gate in the front at first noting that it might have to come later on during construction.

Councilmember Nunn said that the Committee hoped to get started in March adding that Mr. Moubray already had a crew lined up. Mrs. Nunn stated that there were a lot of volunteers who had already signed up to be friends of the dog park.

C. Police/Public Safety Committee: Councilmember Donahue, Chair
Councilmember Moubray gave the report in Councilmember Donahue's absence.

1) Report from February, 2011 Meeting.

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

2) Committee Recommendations to Council

There were no recommendations to Council.

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D. Emergency Preparedness Committee: Councilmember Moubray
Chair

There was no meeting held.

E. Economic Development Committee: Vice-Mayor Smith, Chair
Assistant Town Manager Cockrell gave the report in Vice-Mayor Smith's
absence.

1) Report from February, 2011 meeting

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

Ms. Cockrell stated that the Committee continued the discussion
on economic development and the potential of having an incubator process for
small businesses in Town. Ms. Cockrell advised that the next step was to talk with
the community to see if there was an interest in this. Ms. Cockrell said that the
rest of the information in the meeting notes was pretty straightforward. Ms.
Cockrell advised that the Committee also discussed the next steps in the Tech
Park expansion in terms of what the infrastructure needs were. Ms. Cockrell
finalized by saying that the Committee discussed the enterprise zone, the local
incentives that were a part of the enterprise zone, and what the process was for
reviewing those and potentially making some changes.

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
Town Manager Saunders gave the report in the absence of Vice-Mayor
Smith.

1) Report from February, 2011 meeting.

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

Mr. Saunders advised that the Committee discussed the county's
process of collecting delinquent taxes and compared it to the Town's method. Mr.

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Saunders said that they were still looking at what should or could be changed but felt that whatever was done should be done along the lines with what the county was doing. Mr. Saunders said that Mr. Hutt was under contract to pursue delinquent taxes and noted that some accounts would be turned over to him in March. Mr. Saunders advised that he had not heard from the Fire Department in regards to what the actual cost of their roof repair would be.

Mayor Booth stated that he had spoken with Fire Department President, Tom Jones, who advised him that he had gotten all of the estimates and the contractor they were going to use was charging less than \$45,000. Mayor Booth added that there was also some discussion about the Town paying in two payments. Mayor Booth said he thought maybe the Town should keep the money in the checkbook and pay when the job was completed but added that he guessed it did not make any difference.

Town Manager Saunders said that he would get with Mr. Jones.

Councilmember Nunn said that she thought payment should be made directly to the contractor.

Town Manager Saunders said that he would get the method of payment worked out later on. Mr. Saunders continued by saying that the Committee discussed the Town's website and whether or not to list all of the Town's businesses on it. Since the Committee meeting, Mr. Saunders advised that Ms. Cockrell had put a list of every business in Town that had a valid license on the website but noted that they did not have live web links capability. Mr. Saunders said that he appreciated Ms. Cockrell getting that done so quickly.

2) Committee Recommendations to Council

Recommend that Council approve the disbursements from January 25, 2011 through February 28, 2011.

ACTION: Councilmember Moubray made a motion to approve the disbursements from January 25, 2011 to February 28, 2011 as presented, seconded by Councilmember Smith; and carried unanimously.

Reporter Audrey Thomasson asked for the total amount of the disbursements.

Councilmember Moubray replied that it would take him a little while but he would add them up.

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Mayor Booth interceded and stated that he did not think that was necessary and asked Ms. Thomasson to get with Town Manager Saunders for the total.

Town Manager Saunders replied that Ms. Thomasson had the full report in her packet. Mr. Saunders said that it was probably a good practice to list the total amount and he would look into doing that in the future.

Councilmember Nunn asked if Mr. Saunders could have the total amount of the disbursements for Ms. Thomasson by tomorrow.

Town Manager Saunders said that he could because the Treasurer, Judy Stevens, would have it.

6. Administrative Comments and Reports: Town Manager Saunders

A. CDBG Progress Report

Town Manager Saunders advised that Franklin Mechanical was extending the sewer line up Route 3 and was making excellent progress. Mr. Saunders said that the electrical and mechanical work on the pump stations had been completed but the pumps had not been installed because they were waiting for VA Power to run a line from the highway to the site.

B. Through Truck Restriction Update

Town Manager Saunders advised that he was provided with a copy of the paperwork that Mr. Penell had sent to the Commonwealth Transportation Board and VDOT. Mr. Saunders commented that the ball was now in their court to conduct a study and to gather public input.

C. General Assembly Ramifications

Town Manager Saunders advised that the General Assembly had just concluded its session with an overnight marathon budget. Mr. Saunders said that he did not have much data at this time but noted that some factors would affect the Town's budget going forward. Mr. Saunders added that there were many items being batted back and forth right up to the final moment. Mr. Saunders said that he would try to have some answers for them as soon as he could.

D. Rappahannock Community College

Town Manager Saunders advised he heard that the community college had significant response to their request for proposals. Mr. Saunders said that they had not yet announced who made the cut.

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E. Condolences, Get Well Wishes, and Congratulations

Town Manager Saunders offered condolences to Claudia Williamson's family and expressed his appreciation for all of the work she had done for the Town of Kilmarnock. Mr. Saunders wished Town Attorney Chris Stamm a speedy recovery and was glad to see Councilmember Smith's excellent recovery. Town Manager Saunders said that Marshall Sebra's feet still had not touched the ground yet and congratulated him on the birth of his second child. Mr. Saunders finalized by saying that Treasurer, Judy Stevens, had eye surgery during the week but was doing very well and had returned to work already.

F. Dump Truck

Town Manager Saunders advised that over the weekend a dump truck was discovered that appeared to be a good replacement for the Town's worn out one. Mr. Saunders said that the Town's dump truck would no longer pass inspection and was truly a safety issue because the engine would cut out in the most inconvenient places. Mr. Saunders stated that he was not for sure that this truck was suitable for the Town's needs but thought it might be. Mr. Saunders stated that if his investigation in the next day or two proved positive then he would like to have their approval to go ahead and make the purchase.

Councilmember Nunn told Mr. Saunders to use his charm to get the price reduced, and if he had to pay the \$18,500 for the dump truck, to pay it in cash and not give them the tax.

ACTION: Councilmember Nunn made a motion to authorize the purchase of a dump truck for up to \$20,000, seconded by Councilmember Jones; and carried unanimously.

8. Old/Unfinished Business

Councilmember Nunn stated that Mrs. Betty Jones who lived next to the Davis property on Claybrook Avenue had complained about opossums that were living in the Davis's shed. Mrs. Nunn advised that Mrs. Jones said they came out at night, got into her garbage, and made noise. Mrs. Nunn said that she did a little research and legally a nuisance was traditionally described in three ways. Mrs. Nunn continued by saying that a nuisance is an activity or condition that is harmful or noisy to others such as indecent conduct, a rubbish heap, smoking chimneys, or unsafe animals. Mrs. Nunn advised that in Virginia, opossums were considered to be unsafe animals. Mrs. Nunn said that she really thought the Town needed to do something for Mrs. Jones. Mrs. Nunn advised that the shed was full of trash and she knew that firsthand. Mrs. Nunn continued by saying that every time the wind blew, the tarp came off the car in the yard so basically that was never covered up. Mrs. Nunn advised that she knew Mr. Sebra had a lot to do and could not go to

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these places on a daily basis but noted that Mrs. Jones was an 88 year old lady who had been trying to get something done for the past three years with this property next to hers that was driving her crazy. Mrs. Nunn said that Mrs. Jones was constantly being told by the Davis's that they were going to do something about the trash but they do not follow through.

Councilmember Smith asked if this could be referred to the Streets Committee.

Councilmember Nunn replied that she was on the Streets Committee.

Mayor Booth said that this had not been discussed by this forum before.

Councilmember Nunn said that it had been discussed numerous times.

Mayor Booth replied that the specific items that they were discussing now such as the opossums had not. Mayor Booth said that he thought it would be appropriate for the issue to go to the Streets Committee or to have staff to check into it.

Councilmember Moubray stated that he thought it should be brought to Marshall Sebra's attention so he could enforce the code.

Councilmember Nunn advised that she got Marshall Sebra to be the enforcer so he could absolutely take care of these things. Mrs. Nunn said that he could take care of broken windows, places that needed painting and anything that was unsightly or annoying.

Councilmember Moubray said that it should be brought to Marshall's attention so he could investigate.

ACTION: Councilmember Moubray made a motion to have Zoning Administrator/Planning Director Sebra investigate the Jones complaint regarding the Davis property on Claybrook Avenue as discussed, seconded by Councilmember Smith; and carried unanimously.

9. New Business

Consider reappointment of Geneva Dawson to the Board of Zoning Appeals
Current term expires the 3rd Monday in March, 2011.

ACTION: Councilmember Nunn made a motion to reappoint Ms. Geneva Dawson to the Board of Zoning Appeals, seconded by Council-

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**member Smith; and carried unanimously.
Terms are for 5 years. (*The BZA appointments
are officially made by the Circuit Court Judge*)**

10. Council Comments

There were no Council comments.

11. Adjournment

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

Meeting adjourned at 8:10 pm

Prepared by:

Joan N. Kent

Raymond C. Booth, Jr., Mayor

Jacqueline L. Blencowe, Clerk