

February 22, 2010

**KILMARNOCK TOWN COUNCIL
Monday, February 22, 2010
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

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

Dr. Curtis H. Smith, Mayor
Paul Jones, Vice-Mayor
Howard Straughan
Randy Moubray

Barbara Robertson
Rebecca Nunn
John A. Smith

Staff Present:

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

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

2. Acceptance and Approval of Agenda

ACTION: Vice-Mayor Jones made a motion to accept the agenda for the February 22, 2010 Town Council meeting as presented, seconded by Councilmember Straughan; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held January 25, 2010.

ACTION: Councilmember Nunn made a motion to approve the January 25, 2010 Regular Town Council Meeting Minutes, seconded by Councilmember Smith; and carried

unanimously.

4. Public Comments and Presentations

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

A. Public Forum

Mr. Bill Warren with Partners for Lancaster County Schools Foundation informed Council that Mr. Emerson Gravatt, Reverend Craig Smith, and Mr. Gerald Sellers would be the Kilmarnock residents serving on the board regarding the affordable housing project for teachers, nurses, healthcare employees, law enforcement officers, municipal workers, and county employees. Mr. Warren extended an invitation for a Councilmember to serve on the board as well.

B. Presentations

Planning Commission Report: Councilmember Nunn, Council Liaison

Councilmember Nunn reported that the February Planning Commission meeting was cancelled due to inclement weather. Mrs. Nunn advised that a joint meeting for the Planning Commission and Town Council was scheduled for March 9th to hear a presentation on the Water/Sewer Master Plan.

5. Public Hearings:

A. Request by Sea Star Enterprises, LLC, to rezone six parcels of land totaling approximately 1.2 acres located off of Chase Street between Heatherfield Court and Cedar Lane to R-2 (Medium Density Residential). The request pertains to Tax Map#23A-31 lots 40A, 40B, 40C, 41B, 41C, 41D which are currently zoned R-1 (Low Density Residential).

- 1) Mayor Smith opened the public hearing.
- 2) Description of rezoning and developer presentation.

Town Planner/Assistant Town Manager Sebra stated that developer, Rick Schuder, owner of Sea Star Enterprises, LLC had requested that six parcels located off of Chase Street adjacent to Heatherfield Court be rezoned from R-1 to R-2. Mr. Sebra advised that it was Mr. Schuder's intent to demolish the existing rental homes on the property and build condominium type townhouses. Mr. Sebra gave a slideshow presentation on the property involved in the rezoning request. Mr. Sebra advised that a staff report, additional maps, and emails from

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citizens regarding the rezoning request were included in each Councilmember's packet. Mr. Sebra stated that it was the Planning Commission's recommendation that the rezoning be granted upon the condition that only condominium type townhouses would be built on the property.

Mr. Rick Schuder introduced himself as the owner of Sea Star Enterprises, LLC and advised that Mr. Sebra had done a good job in stating his intent for the property if rezoned. Mr. Schuder said that he, his engineer, and his attorney were present to answer any questions that Council might have.

Mayor Smith stated that Council had reviewed the request and the application very thoroughly and they were satisfied with the Planning Commission's recommendation.

Councilmember Nunn stated that she felt that additional housing such as this was very much needed in the Town. Mrs. Nunn commented that she thought it was a good idea.

3) Public Comments

Mr. David Crowther stated that he had ownership interest in property adjacent to the proposed site. Mr. Crowther advised that he had no objection because the way that the proposal had been explained to him, this development would enhance property values in the neighborhood. Mr. Crowther agreed that this type of housing was very much needed in the Town. However, Mr. Crowther cautioned Council to be careful by stating that once the zoning horse was out of the barn, it would be difficult to get it back in. Mr. Crowther said that he had been down that road concerning a property that he was involved with 20 years ago, and he was still having to deal with a zoning action that had taken place years ago. Mr. Crowther asked Council to make sure that they were in an agreement with the developer that they could hold him to and ensure that only upscale townhouses equivalent to those at Heatherfield were put on the property.

Councilmember Nunn stated that the site plan presented was very generic but assured Mr. Crowther that as each step of the project progressed it would have to be approved by Town Planner/Assistant Town Manager Sebra. Mrs. Nunn stated that Mr. Schuder had proffered that he would abide by all of the applicable provisions of Town Code and regulations and that any and all future residential dwelling units constructed on the property would be offered for sale or lease at market rates.

4) Mayor Smith closed the public hearing.

5) Mayor Smith asked for Council discussion and/or action.

ACTION: Councilmember Straughan made a motion to

grant the request by Sea Star Enterprises, LLC to rezone Tax Map # 23A-31, lots 40A, 40B, 40C, 41B, 41C, 41D from R-1 to R-2 with the proffer that in addition to the applicable provisions of the Town Code and regulations, any and all future residential dwelling units constructed on the property would be offered for sale or lease at market rates. Motion was seconded by Councilmember Nunn; and carried unanimously.

B. Request by White Stone Land Partners, LLC to rezone 10 acres of property located north of Harris Road and south of Technology Park Drive to M-1 (Industrial). The request pertains to Tax Map # 28-143 which is currently zoned C-2 (Limited Commercial).

- 1) Mayor Smith opened the public hearing.
- 2) Description of rezoning and developer presentation.

Town Planner/Assistant Town Manager Sebra advised that there were two public hearings scheduled for White Stone Land Partners, LLC but noted that the first hearing only dealt with rezoning issues and not the Conditional Use Permit. Mr. Sebra produced a slide show presentation showing the property referred to as Tax Map # 28-143 in relation to adjacent residential and business properties. Mr. Sebra stated that a staff summary was included in each Councilmember's packet. Mr. Sebra reported that the Planning Commission held a public hearing on December 8, 2009 at which time they recommended that the 10 acre parcel be rezoned from C-2 to M-1 but tabled the Conditional Use Permit application due to the lack of detailed plans. Mr. Sebra advised that the Planning Commission met on January 12, 2010 at which time they reviewed detailed plans provided by White Stone Land Partners, LLC but recommended that the request for a Conditional Use Permit to construct a petroleum storage facility on the property be denied.

Mr. David Jones with White Stone Land Partners, LLC stated that he did not have any additional information to add other than the fact that the subject property was located beside Technology Park and in front of the property just acquired by the Town. Mr. Jones said that their property was zoned commercial and, therefore, they did not feel that it was unreasonable to ask that it be rezoned from C-2 to M-1.

- 3) Public Comments

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a. Mr. Bob Morning, resident of Harris Drive in Kilmarnock, VA, stated that he did not think that rezoning the property to M-1 was a good idea. Mr. Morning said that if it was rezoned to M-1 then it would go back to them trying to put a petroleum plant there. Mr. Morning brought Council information on oil spills and stated that if a spill occurred then the residential properties near the plant would be affected. Mr. Morning said that the fumes from such a plant would be unbearable at times. Mr. Morning felt that the petroleum plant should be put out in the suburbs of the county and not within the Town limits. Mr. Morning said that even though the petroleum storage facility would bring in revenue, that revenue might have to be spent cleaning up an oil spill. Mr. Morning finalized by saying that he was against rezoning the property to M-1.

b. Mr. Clifton Palmer, resident of 1165 Harris Road in Kilmarnock, VA, stated that he owned property adjacent to the subject property. Mr. Palmer advised that most of the property in that area was residential and that rezoning this parcel to M-1 would mess everything up. Mr. Palmer asked who would want to build a home next to a petroleum plant. Mr. Palmer finalized by saying that he too was opposed to the property being rezoned to M-1.

c. Mr. Larry Taylor, of 21 Venable Drive in Kilmarnock, VA, stated that he was a WWII veteran and had served in the South Pacific on a destroyer which was hit by a Japanese plane on April 6, 1945. Mr. Taylor said that he had seen firsthand what a petroleum fire could do. Mr. Taylor stated that he thought it was a bad idea to put a petroleum storage facility so close to the Kilmarnock Technology Park.

4) Mayor Smith closed the public hearing.

5) Mayor Smith asked for Council discussion and/or action.

Councilmember Straughan asked the citizens who had just spoken before Council if they had any objections to the rezoning being approved without getting into the use of the property.

Mr. Clifton Palmer replied that if the property was rezoned to M-1 there were several uses involving hazardous material that could go there.

Councilmember Nunn advised that just because the property was rezoned to M-1, it did not mean that a petroleum storage facility would be put on it because a Conditional Use Permit would have to be obtained in order to do that.

Mr. Palmer said that if a petroleum storage facility was not put on the property then something else from the M-1 allowed uses would be.

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Mayor Smith replied that the same issue was going to happen when the Town rezoned its property to enlarge Technology Park.

Ms. Cecilia Jones of 36 First Avenue in Kilmarnock, VA, asked how would it be advantageous to the property owners for Council to rezone the property to M-1 but not allow the petroleum storage facility to be put there.

Mayor Smith replied that the Town would be making the property's zoning the same as that of adjoining property, which is allowed by law. . Mayor Smith said that if a section of property is zoned one way then adjoining properties have the right to conform as the Town grows.

Mr. Clifton Palmer said that Councilmember Straughan had asked if the citizens would agree to the rezoning of the property if a petroleum plant was not placed on it. Mr. Palmer said that none of the industrial properties were touching the residential properties to his knowledge and he felt that the residential properties should have a safe haven.

Town Planner/Assistant Town Manager Sebra pointed out a location on the map where the property recently acquired by the Town was abutting residential property.

Councilmember Nunn asked Mr. Sebra if the property acquired by the Town would eventually become M-1.

Mr. Sebra replied that would be up to Council.

Mrs. Nunn stated that was the purpose for purchasing the property, so it probably would.

Mr. Palmer asked what the setback and buffer requirements were for M-1.

Mr. Sebra replied that the setback for M-1 property adjacent to residential property was 100 feet.

Vice-Mayor Jones asked what the setback was between commercial property and residential property.

Mr. Sebra replied that it decreased quite a bit.

Mr. Palmer stated that on the site plans he saw regarding this project a 100 foot setback from his property would not give them enough room to put in the facility depicted in the plans.

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Mr. Sebra showed a slide that depicted the petroleum storage facility situated on the northern half of the parcel.

Mr. Jeff Brown with White Stone Land Partners, LLC asked Mr. Sebra to use the slide to show where the residential property was located in relation to the petroleum storage facility.

Mr. Palmer commented that it was not a very good layout.

Mayor Smith reminded everyone that the public hearing had been closed and he was seeking Council's decision.

Councilmember Straughan commented that he needed to know a little more about where the setback lines were and stated that he could not tell by the plans provided to him.

Mr. Jones advised Council that all of the structures were behind the 100-foot buffer. Mr. Jones said that the line questioned by Mr. Palmer was in regards to the parking area.

Town Manager Saunders advised that setbacks only apply to structures and not to streets and parking.

Town Planner/Assistant Town Manager Sebra provided Council with a full set of plans, which several members reviewed.

Councilmember Straughan asked what the recommendation of the Planning Commission was in regards to the rezoning request.

Mayor Smith replied that it was the Planning Commission's recommendation to grant the request to rezone the property from C-2 to M-1.

Councilmember Nunn stated that she felt that industrial property would increase the value of the other properties around it and noted that if the rezoning was granted it did not mean that the petroleum storage facility would be allowed. Mrs. Nunn said that was a separate issue and would be handled as such.

ACTION: Councilmember Moubray made a motion to grant the request made by White Stone Land Partners, LLC to rezone the 10 acres of property listed as Tax Map# 28-143 from C-2 to M-1, seconded by Councilmember Robertson; and carried unanimously.

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C. Request for a Conditional Use Permit by White Stone Land Partners, LLC to establish a petroleum storage facility on their 10-acre parcel of land, located north of Harris Road and south of Technology Park Drive. The request pertains to Tax Map# 28-143.

1) Mayor Smith opened the public hearing.

2) Description of C.U. P. request and developer presentation.

Town Planner/Assistant Town Manager Sebra noted that the public hearing was duly advertised. Mr. Sebra stated that the Planning Commission held a public hearing on this request in December 2009 and tabled the matter until January 2010 in order to review detailed plans provided by the developer. Mr. Sebra advised that the Planning Commission at that time recommended that the request for a Conditional Use Permit granting a storage petroleum facility on the subject property be denied. Mr. Sebra referred Councilmembers to the information in their packets provided to them by Bay Design Group and the developer regarding traffic, which seemed to be an issue with the Planning Commission. Mr. Sebra advised that Quarles had provided information on their company, their facilities, and safety regulations, which was also in their packets.

Mr. David Jones with White Stone Land Partners, LLC provided site plans created by Bay Design Group and assured everyone that they were done in accordance with the Town's zoning laws and all setbacks were accurate. Mr. Jones gave a brief overview of the proposed project. Mr. Jones stated that leakage and spillage was just not allowed not only because of the expense of the product but because the responsible party would go to jail. Mr. Jones advised that spillage retention would be in place in case of a rare chance that there was an event. Mr. Jones explained their intention to buffer around the entire site with trees. Mr. Jones stated that all of the tanks would be in a horizontal position keeping them out of view. Mr. Jones advised that they had presented their proposal to the Planning Commission on two occasions and noted that both times their major concern seemed to be safety. Mr. Jones reassured everyone that their major concern was safety as well. Mr. Jones advised that they owned 13 acres of land in front of this parcel that they intended to develop and the last thing they wanted was a potential purchaser to be worried about their safety. Mr. Jones stated that he had spoken with the owners of neighboring properties in Technology Park who assured him that they had no problem with the proposed project. Mr. Jones said that he had also spoken with Mr. Jim Holmes at RGH who had no issue with the project and advised him that RGH had several large trucks delivering hazardous materials on a daily basis. Mr. Jones said that he spoke with the executive director of YMCA, who had no problem with the proposed project and noted that this individual told him that the YMCA had four 1000 gallon propane tanks buried within 25 feet of their main building and two 500 gallon tanks buried 25 feet from their pool and child care facility. Mr. Jones advised that he had

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spoken with the Fire Chief of Kilmarnock Volunteer Fire Department who stated that no one wanted to see a propane fire or explosion but noted that it did not matter whether one happened in the Town or the county because all of the local fire departments would respond. Fire Chief Balderson told Mr. Jones that the local fire departments were trained in these types of situations and felt sure that they could handle anything that may happen. Mr. Jones advised that there were four persons present at the meeting who were qualified to address safety issues. They were Mr. Doug Quarles from Quarles Petroleum, Mr. Craig McBride, Chief Engineer for Quarles, Mr. Joe Panazei, Safety Director for Quarles, and Mr. Dennis Cruz with the Virginia Petroleum Association.

Mr. Doug Quarles stated that the reason that they wanted to put a petroleum storage facility in Town was to provide heating products for the Northern Neck and for most of the people who were seated in the room. Mr. Quarles said that they were not trying to do anything illegal or anything that would pollute the environment or produce anything that would be unsafe. Mr. Quarles advised that he would be happy to answer any questions that anyone had regarding safety issues.

Councilmember Nunn asked Mr. Quarles how many propane explosions at storage plants he was aware of that had occurred within the last twenty years.

Mr. Cruz replied that there had been none that he was aware of.

Councilmember Nunn said that it was her understanding that a person had a better chance of being struck by lightning than there was of a petroleum storage facility having an explosion.

Mr. Cruz stated that statistics showed that there was a better chance of a person being hit by a lightning strike or a tornado than there was of an explosion at a petroleum storage facility. Mr. Cruz advised that there were 17 million propane installations currently in the United States and that most problems occurred when people tried to install or work on their own appliances. Mr. Cruz noted that the proposed facility would be controlled and would be located inside of a chain-link fence topped with barbed wire and regulated by the Dept of Transportation, the National Fire Protection Association, Homeland Security, EPA and noted that the list went on and on. Mr. Cruz advised that the Schwans' truck, which traveled up and down the road on a daily basis, was powered by propane. Mr. Cruz said that propane had been used as a heating source since 1914. Mr. Cruz stated that it was used in crop dryers, weed eaters, and Virginia school buses. Mr. Cruz said that people become concerned when they see bigger tanks but advised that bigger was safer. Mr. Cruz stated that bigger brought about restricted access, which only allowed trained personnel. Mr. Cruz advised that propane had an exceptional safety record because of the way it was regulated and

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handled. Mr. Cruz said that the propane business would not have survived if it went around hurting people or contaminating places.

Mayor Smith advised Mr. Cruz that if someone had told him that the Town of Kilmarnock would have had two rapes in the same weekend he would have never believed it. Mayor Smith said that Kilmarnock had been stung pretty hard this year, which resulted in everyone being a little gun shy and afraid of things. Mayor Smith stated that he understood that there was only a remote possibility of anything happening but said that Council was being particularly careful in how they were deciding things. Mayor Smith stated that it was no reflection on the applicant or anyone else but Council was just trying to be very careful.

Councilmember Nunn wanted to inform everyone that Council had no idea the amount of tax revenue that would be generated from the petroleum storage facility if it were allowed and advised that revenue was not even a consideration in reaching a decision. Mrs. Nunn said that she felt that Council needed to conduct more research and did not feel that a decision could be made at this time.

3. Public Comments

a. Ms. Sonja Headley of 84 Third Avenue in Kilmarnock, VA, stated that she knew the developer would have to go through a lot of state and federal hoops and that the risk was very low; therefore, safety was not really an issue with her. However, Ms. Headley suggested that an objective third party consultant conduct a risk assessment and an impact analysis to cover real estate, water source, the volunteer fire department, and the close proximity to the hospital. Ms. Headley wanted to know how the value of the planned subdivisions in that area would be affected. Ms. Headley wanted to know who would pay for road maintenance. Ms. Headley said that she was going to suggest design plans but stated that it appeared that the developer had done an excellent job in providing those. Ms. Headley also wanted to know what would happen if Quarles decided that they no longer wanted to be around after 10 or 12 years. She asked if the Town would be stuck with the monstrosity. Ms. Headley stated that she was always taken back to the Y2K debacle when the greatest minds put computer systems together and never thought of the most obvious problem that would strike down the road.

b. Mr. Clifton Palmer of 1165 Harris Road in Kilmarnock, VA, said that the Quarles consultant had said how safe everything was, but Mr. Palmer stated that accidents do happen. As a matter of fact, he said that they happened all the time. Mr. Palmer wanted to know what the Town was going to do if this petroleum storage facility exploded. Mr. Palmer stated that the whole Town would be in jeopardy. Mr. Palmer wanted to know if everyone wanted to sit around and

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hope that nothing did happen. Mr. Palmer finalized by saying that he did not want to live on hope.

c. Mr. Bob Morning of Harris Road in Kilmarnock, VA, said that he wanted to know if Mr. Cruz could put a guarantee on everything that he had said and noted that if something did go down Mr. Cruz wasn't going to be around but he would. Mr. Morning said that he went to school for oil and knew first hand the damage it could do to land and water.

Mr. David Jones responded by saying that accidents do happen but realistically speaking the Town of Kilmarnock had tanker trucks filled with fuel and propane going through it everyday and to his knowledge nothing catastrophic had happened. Mr. Jones advised that trucks full of propane were being stored in the center of Town almost every night and there had never been a problem. Mr. Jones said that he was listening to the arguments about safety but stated that everyone needed to be realistic about what was already going on in the Town.

d. Mr. Joe Curry of 15915 Mary Ball Road in Kilmarnock, VA, stated that he was standing in the back of the room and admitted that the question he wanted to ask was so irrational that he was not going to ask it but would definitely tell Council what it was. Mr. Curry said he wanted to ask how many people in the room lived on Harris Road. Mr. Curry stated that he was probably the oldest person in the room and remembered the Hazel building. Mr. Curry said that he had watched the Town grow and stated that it was beautiful now. Mr. Curry said that as it had grown and become more beautified, Council had more work to do; so they created a right arm to help them and that right arm was the Planning Commission. Mr. Curry cautioned Council to be careful in how far they strayed away from the Planning Commission's recommendations because he was sure that they had been given the job to study this thing and find out what it was all about. Mr. Curry said that he got really peeved when he heard people say that there had never been an accident before and noted that it would only take one. Mr. Curry stated that there were other places in the county that were more suitable for this facility and an accident wouldn't prove to be as catastrophic as it would in the Town.

e. Mr. Jackie Barrack, owner of Geo Products located at 161 Technology Park Drive in Kilmarnock, VA, stated that he spent an average of 12 hours a day down Harris Road at his place of business. Mr. Barrack said that he felt very comfortable with the proposed petroleum storage facility because he knew that safety measures would be in place and that regulations would have to be followed. Mr. Barrack advised that he spoke with neighboring businesses on Technology Park Drive and found that they did not have a problem with the proposed petroleum storage facility either. Mr. Barrack stated that he had 18 employees and his family at the business almost every day and if he thought for one moment that the facility would present a danger it would be the last thing he

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would want. Mr. Barrack advised that he had lived in Lancaster County ever since he was born and knew that Johnny and Mike Christopher had been in the petroleum business for many years. He said he had never heard of anything bad happening at TCH Oil Company which the Christophers owned. Mr. Barrack commented that the proposed facility would not be humongous like the one on Commerce Road. Mr. Barrack said that the proposed facility would be a small site for oil and propane. Mr. Barrack stated that he would be the first one to say “no” if he thought it posed a danger. Mr. Barrack said that he hoped the Town would consider it. As far as truck traffic, Mr. Barrack said that he had an average of 10 to 12 trucks delivering to his business during the course of a day. Mr. Barrack felt that common sense was needed when considering this proposal. Mr. Barrack stated that accidents could happen just like he could go out on the road and get hit, God forbid. Mr. Barrack finalized by saying that he thought the petroleum storage facility would benefit the Town.

Mayor Smith asked Mr. Barrack where he lived.

Mr. Barrack replied that he lived in Alfonso.

Mayor Smith said that Council had to represent the citizens of Kilmarnock as well as the business owners so they had to take the citizens’ feelings into consideration. Mayor Smith advised Mr. Barrack that he could get into his car and go home at night.

Mr. Barrack replied that he was a business owner in the Town.

f. Mr. Joe Panazei, Safety Director with Quarles, stated that he was impressed to hear everyone talk about safety because that was what he did for a living. Mr. Panazei said that whether it was a propane bulk plant, or a gasoline storage facility, or simply someone driving a vehicle anything could happen. Mr. Panazei stated that petroleum and propane was a strong industry that helped police itself by way of regulations. Mr. Panazei commented that education was the key and advised that people in the industry were trained and educated. Mr. Panazei stated that part of the process in building a facility was that a fire analysis had to be done by an objective third party.

g. Mr. Clifton Palmer of 1165 Harris Road in Kilmarnock, VA, stated that he worked at Omega Protein in Reedville and said that last year Nobletts was filling a tank there when it exploded. Mr. Palmer said that he saw on the news just last week where a big plant in Connecticut had an explosion that killed 13 people. Mr. Palmer commented that accidents do happen.

h. Mr. Thomas Segar of Harris Road in Kilmarnock, VA, stated that he had lived with his family on Harris Road his entire life and did not want a petroleum storage facility in his neighborhood.

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i. Mr. Mike Christopher of Aquilla Point in White Stone, VA, stated that he owned TCH Oil Company and sold it to Mr. Quarles. Mr. Christopher said that prior to moving to Ocran, he had lived in the Town of Kilmarnock for most of his life. Mr. Christopher advised that 25 years ago there were eight petroleum storage facilities in Lancaster County. Mr. Christopher stated that there were three facilities in Irvington, three facilities down Waverly Avenue, one facility located across from the Youth Ball Park between Irvington and Kilmarnock and one facility in Ocran. Mr. Christopher advised that of those eight facilities, four had a significant amount more of petroleum storage capacity than the proposed facility would have. Mr. Christopher said that each of the eight facilities ranged between the ages of 60 and 100 years old. Mr. Christopher advised that the biggest one was in Ocran but it was eliminated due to the consolidation of the fishing industry. Mr. Christopher stated that when it was eliminated, DEQ came in and made sure it was cleaned up and now one of the most expensive houses in Lancaster County sits on that site or close to it. Mr. Christopher said that the two facilities in Irvington, which were Marsh Oil and TCH Oil, were much larger than the proposed facility. Mr. Christopher stated that when Marsh Oil closed it was disassembled and cleaned. Mr. Christopher said that he would just leave the Union 76 tanks at Irvington Marina alone. Mr. Christopher continued by saying that in Kilmarnock there was Chilton Fuel down on Waverly Avenue, which was purchased by Nobletts about 25 years ago, disassembled and was now being used as a grainery. Mr. Christopher said that the other was Hurst Harvey Oil Company, which was purchased by TCH Oil, and the tanks were disassembled and the site was cleaned. Mr. Christopher figured that everyone who had lived in Lancaster County for a long time was probably familiar with those locations but had just forgotten that there were so many sites. Mr. Christopher said that the county was currently down to 2 locations. Mr. Christopher stated that the facility in Irvington was not centrally located because just like the ones on Waverly Avenue they had to be close to the water years ago so that the tankers could deliver. Mr. Christopher commented that in all of these years, there had never been any problems simply because they were safe and they were clean. Mr. Christopher said that those facilities were over 60 to 100 years old and that the proposed facility would be new and improved. Mr. Christopher stated that he hated to see the business get a bad rap. Mr. Christopher said that petroleum was a necessity and that everyone in the room used it. Mr. Christopher reiterated that it was safe and it was clean. Mr. Christopher said that he wished everyone would just think about it because Kilmarnock's Technology Park was a great place for the petroleum storage facility to go. Mr. Christopher finalized by saying that Kilmarnock created the bypass road for truck traffic, so what better place could there be.

4) Mayor Smith closed the public hearing.

5) Mayor Smith asked for Council discussion and/or action.

Councilmember Nunn said that she felt that additional time was needed before making a decision and stated that she would like to table the

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issue for sixty days, have staff prepare a report, as well as receive reports from Mr. Dennis Cruz and Mr. Joe Panazei, reflect on the minutes from the meeting regarding the citizens' point of view, and hold a special Council meeting to discuss only this issue. Mrs. Nunn reassured the citizens that Council was very attuned to what they wanted but at the same time had to make a decision based on what was best for the Town.

Councilmember Straughan and Councilmember Smith were in agreement with Councilmember Nunn.

ACTION: Councilmember Nunn made a motion that the request for a Conditional Use Permit by White Stone Land Partners, LLC to establish a petroleum storage facility on their 10-acre parcel of land listed as Tax Map# 28-143 be tabled for a period of 60 days, seconded by Councilmember Straughan; and carried unanimously.

Mayor Smith called for a 5-minute recess at 8:25 pm.
Council was called back into session at 8:33 pm.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from February 3, 2010 Meeting.

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

Town Manager Saunders reported that Well #3 was ready to go on line following an inspection by the Department of Health in Richmond. Mr. Saunders hoped to have it in use within a few days. Mr. Saunders announced that Mr. Richard Lynn had joined staff at the Wastewater Treatment Plant by filling the vacant position.

2) Committee's Recommendations to Council.

There were no recommendations to Council.

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

1) Report from February 4, 2010 Meeting.

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

Councilmember Robertson reported the committee discussed the repairs to Town Centre Drive, which would be taken care of in March by the developer. Ms. Robertson said that the Main Street median near Irvington Road would not be repaired until the weather became more suitable to do so.

Mayor Smith advised that it was brought to his attention that a light pole behind Lee's Restaurant was bent and had apparently been struck by a car.

Community Development Strategist Susan Cockrell advised that a report had already been made with Virginia Dominion Power.

Town Manager Saunders stated that the owners of Chesapeake Boat Basin were requesting that the Kilmarnock Wharf sign at the intersection of Waverly Avenue and Main Street be removed and replaced with a sign that said Marina.

Vice-Mayor Jones stated that Kilmarnock Wharf was a part of the history in the area and wanted to know the purpose for the change.

Town Manager Saunders explained that a number of people see the Kilmarnock Wharf sign and go to the end of Waverly Avenue thinking that the pier at Chesapeake Boat Basin is a public one. Mr. Saunders said that there was a portion of the year when the grain trucks are backed up on Waverly making it potentially dangerous for drivers to turn around. Mr. Saunders advised that there was no public property at the end of Waverly whatsoever. Mr. Saunders said that to him and others who live here, Kilmarnock Wharf did not describe a facility but the area and history of Kilmarnock. Town Manager Saunders said that he understood the frustrations of the business owners at the end of Waverly because they had to deal with a stream of people looking for something that did not exist.

Councilmember Nunn stated that she still referred to Waverly Avenue as the Wharf Road. Mrs. Nunn asked why couldn't the Kilmarnock Wharf sign remain and the Marina sign be placed under it.

Vice-Mayor Jones said that by adding a marina sign it would increase traffic with people pulling boats and would still create difficulty for drivers trying to turn around down there so he didn't see the difference.

Councilmember Moubray advised that Mr. Holcomb was having an insurance issue because people were being drawn to the end of Waverly Avenue by the sign thinking that his pier was public instead of private. Mr. Moubray said that Mr. Holcomb has had people to park their cars and go out on the pier to fish, which was becoming a nuisance to the paying guests at the marina.

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Councilmember Nunn suggested that the Kilmarnock Wharf sign be made into a historical marker providing the history of the steamboats, etc because she did not want to lose the historical value of Kilmarnock Wharf.

Town Manager Saunders said that he would check into that and add it as a third disposition but stated that he would like for Council to handle the two items currently before them. Mr. Saunders said that the first item was whether or not to remove the current Kilmarnock Wharf sign.

Mayor Smith asked if a sign saying that there was no public pier could be added under the Kilmarnock Wharf sign.

Town Manager Saunders replied that it couldn't be added to that particular pole but that a sign saying that could be placed farther down on Waverly Avenue.

Mr. Holcomb spoke from the audience and said that he understood that Kilmarnock Wharf was a part of the Town's history but said that the sign had created some problems for him as a business owner; ie, he had people sitting on his dock drinking wine because they thought they were on a public pier. Mr. Holcomb gave another example of people just parking their cars and going out on his dock to fish. Mr. Holcomb said that he had even found people eating lunch on his porch. Mr. Holcomb advised that he didn't chase these people away but had to take the time to explain the situation to them. Mr. Holcomb stated that he had paying customers who could not use the picnic tables provided for them because others were using them. Mr. Holcomb advised that he had invested a lot of money in his marina and a lot into advertising for the Town. Mr. Holcomb stated that the marina generated a huge amount of revenue for the Town. Mr. Holcomb said that if everyone wanted to leave the Kilmarnock Wharf sign up then they could at least add the marina sign so when people come down Waverly Avenue they would be looking for two different things.

Councilmember Moubray commented that Mr. Holcomb had brought his concerns before the committee, and he felt that they were justified. Mr. Moubray said that he felt that a marina sign should be placed beneath the Kilmarnock Wharf sign or a sign that said Private Marina with a directional arrow.

It was the general consensus of the Council to leave the Kilmarnock Wharf sign up because of its historical value and to add a marina sign.

Mayor Smith directed Town Manager Saunders and Councilmember Moubray to meet with Mr. Holcomb and work out the details.

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Councilmember Nunn requested that the Town Manager check into getting a historical sign for Kilmarnock Wharf and then the one at the intersection of Main Street and Waverly Avenue could be taken down.

Councilmember Nunn stated that the roadway at Walnut Road was pretty torn up and she had reported it to Mr. Harper with VDOT who advised her that he would try to have it fixed by the end of the week.

2) Committee Recommendations to Council

There were no recommendations to Council.

C. Police/Public Safety Committee: Vice-Mayor Jones, Chair

Report from February 8, 2010 meeting.

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

D. Emergency Preparedness Committee: Councilmember Smith, Chair

There was no meeting held.

E. Economic Development Committee: Councilmember Nunn, Chair

1) Report from February 9, 2010 meeting.

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

Councilmember Nunn stated that the committee wanted to congratulate Mr. Donahue and his family on the opening of the Kilmarnock Entertainment Center and noted that she thought it was a great addition to the Town. Mrs. Nunn advised that Town Manager Saunders showed the committee the plans for the Bluff Point Project which would be located approximately 2 miles from the Town Limits. Mrs. Nunn stated that upon completion of the project, a signal light would be installed at the intersection of Bluff Point Road and Route 200. Mrs. Nunn said that it was going to be a huge facility and would almost be a town within itself that was situated on 600 acres. Mrs. Nunn advised that she introduced the idea of the Town of Kilmarnock describing itself as a "micropolitan area" which is a new term coming into vogue. Mrs. Nunn thought it was a good idea with the Northern Neck Tourism, the Enterprise Zone and the possibility of broadband coming. Mrs. Nunn also suggested to the committee that a welcome packet be created for newcomers. Mrs. Nunn said that the committee also

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discussed giving tax credits to businesses that create loft type living quarters above their businesses.

2) Committee Recommendations to Council

There were no recommendations to Council.

F. Town Centre Committee: Councilmember Nunn, Chair

There was no meeting held.

G. Administration/Finance Committee: Councilmember Straughan, Chair

1) Report from February 12, 2010 meeting.

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

Councilmember Straughan reported that as the Town Manager had mentioned someone had been hired to fill the vacancy at the WWTP. Mr. Straughan said that the committee was cooperating with the Northern Neck Tourism Council and the Lancaster-Kilmarnock Chamber of Commerce.

2) Committee Recommendations to Council

Recommend that Council approve the disbursements from January 25, 2010 to February 22, 2010.

ACTION: Councilmember Smith made a motion to approve the disbursements from January 25, 2010 thru February 22, 2010 as presented, seconded by Councilmember Moubray; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Joint session of Town Council and Planning Commission has been scheduled for March 9 at 7 pm.

Town Manager Saunders advised that a joint meeting had been scheduled to receive the final report form Waste Water Management, Inc regarding the Water/Sewer Master Plan and to hold a public hearing and the first reading for the adoption of the revised Town Code.

B. Paving at the Kilmarnock Entertainment Center is scheduled for early March.

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C. A streetlight was installed at the corner of Avonne Avenue and Dixie Avenue on February 12th.

D. There will be a community update meeting on the Mary Ball Road CDBG project on February 23rd at 7:00 pm at New St. John's Church.

8. Old Business

There was no discussion concerning old business.

9. New Business

There was no discussion concerning new business.

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 8:52 pm

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk