

February 27, 2012

**KILMARNOCK TOWN COUNCIL
Monday, February 27, 2012
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
William L. Smith, Vice-Mayor
Denis Bouslough

Paul S. Jones
Rebecca Nunn
Mae Umphlett

Members Absent:
Shawn Donahue

Staff Present:
Tom Saunders, Town Mgr.
Marshall Sebra, Zoning Administrator/Planning Director
Paul C. Stamm, Jr., Town Attorney
Cindy Balderson, Town Clerk
Joan N. Kent, Transcriber
Michael S. Bedell, Chief of Police

Mayor Booth welcomed Kilmarnock residents, business owners, and guests and then led the recital of the Pledge of Allegiance. Mayor Booth thanked Councilmember Nunn for the sets of beaded necklaces that she gave to Councilmembers and Staff from Mardi Gras in New Orleans.

2. Acceptance and Approval of Agenda

ACTION: Councilmember Bouslough made a motion to accept the agenda as presented, seconded by Vice-Mayor Smith; and carried unanimously.

3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held January 23, 2012

ACTION: Councilmember Nunn made a motion to approve the January 23, 2012 Town Council Meeting Minutes as presented, seconded by Councilmember Bouslough; and carried unanimously.

4. Public Comments and Presentations:

Mayor Booth invited members of the audience to address Council with any issues or concerns that were not scheduled for public hearing. Mayor Booth asked that comments be limited to 3 minutes per person.

Mrs. Sheila Todd of 135 East Church Street, Kilmarnock, VA stated that she had been concerned for a long time about the dangers of pedestrians crossing Main Street and last Thursday that concern came to a head when a man in his 80's was knocked down by a car. Mrs. Todd said that there were no "Watch for Pedestrians" signs in the crosswalks and the lights didn't have built in timers between changes. Mrs. Todd advised that she crossed the street four times a day and knew for herself that it was not easy. Mrs. Todd stated that most of the time she got stuck in the median. Mrs. Todd said that changes to Main Street were made to make it pedestrian and tourist friendly but stated it was not. Mrs. Todd finalized by saying that it was a fatality waiting to happen.

5. Public Hearing

The purpose of the hearing was to solicit public input regarding the Town of Kilmarnock's intent to rezone property listed as tax map numbers 28-155A, 28-138, and 28-138A from R-1(low density residential) to M-1(industrial). These parcels are located East of and adjacent to the existing Technology Zone; and immediately North of the Grace Hill development off of Harris Road.

A. Description of Proposed Rezoning- Marshall Sebra

Zoning Administrator/Planning Director Sebra advised that each Councilmember had been provided with a brief public hearing summary in their packets. Mr. Sebra commented that he was sure that Council was familiar with the parcels being discussed and referred the audience to a map on the wall. Using a laser pointer, Mr. Sebra went into detail about the location of the subject properties. Mr. Sebra advised that currently those properties were zoned R-1 and the Town was proposing to have them rezoned to M-1 to match existing zoning in Technology Park. Mr. Sebra stated that on January 9th, the Kilmarnock Planning Commission made a recommendation to Council to approve the zoning request with proffers which would alleviate the concerns of two adjacent property owners. Mr. Sebra told Council that the Town had received letters of concern from Mr. Harvey Williams III and Mr. Bob Sowder, which had also been included in their packets. Mr. Sebra said that both parties were concerned about privacy issues and

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had requested vegetative buffers along the residential boundaries. Mr. Sebra advised that they also had concerns about the Town using their property for access to the industrial park. Mr. Sebra finalized by saying that he would be on hand to answer any questions that anyone had.

Councilmember Nunn asked Mr. Sebra if there was a natural buffer already on the property.

Mr. Sebra replied that there was a natural buffer on some of the property. Referring to the map on the wall again, Mr. Sebra stated that the yellow areas were resource protection areas under the Chesapeake Bay Act that required a hundred foot setback from the stream that followed the Town's property line. Mr. Sebra stated that there was a hundred foot buffer already on both sides. Mr. Sebra referred to a residential area on the map and advised that those residents should have no concern because a natural buffer was already in place. Mr. Sebra showed Council where the areas of concern were and stated that he didn't think it was unreasonable to have some type of vegetative buffer there for screening purposes. Mr. Sebra said that the industrial zone ordinance would require a hundred foot setback for any structures but didn't require that it be vegetative.

Councilmember Nunn asked Mr. Sebra if he had any idea what the cost to the Town would be if they had to vegetate it.

Mr. Sebra replied that it would not be a matter of putting any vegetation in but a matter of not clearing the vegetation that is already there.

Councilmember Bouslough commented that if the property was densely wooded.

Mr. Sebra replied that was correct with the exception of the utility easement that ran along one property line.

Councilmember Nunn asked if the road from Grace Hill stopped at the cul-de-sac wouldn't that make it impossible to get through to the Town property.

Mr. Sebra replied that they could still get through but added that it wasn't the Town's intention to have any industrial traffic going through Grace Hill. Mr. Sebra advised that it would be wise to have an emergency access there in case it was needed by the subdivision or the businesses in Technology Park. Mr. Sebra stated that it would be beneficial for both parties.

B. Mayor Booth opened the public hearing.

C. Mayor Booth asked for public comments.

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Mr. Bob Sowder of Warrenton VA stated that he had owned property in this area for almost thirty years such as Chase farm, property on Henry's Creek and of course the Grace Hill development. Mr. Sowder said that for the last fifty years he had rescued projects that were in trouble and found it to be very gratifying. Mr. Sowder advised that in the past, he had used pavers between two developments to create an emergency entrance and exit. Mr. Sowder explained that they would compact the ground and then grow grass in the cracks throughout them. Mr. Sowder said that the pavers had proven to be solid and sturdy enough for a fire truck to go over them in all weather conditions. Mr. Sowder advised that this was his recommendation in this case as well. Mr. Sowder finalized by saying that traffic would not be allowed to go in or out that way, but access would be there in case of emergencies.

Mr. John Martin, Attorney for Mr. Sowder, stated that Council had his January letter to Mr. Sebra in their packet and therefore he would not repeat everything in it. Mr. Martin stated that he only wanted to make two main points advising that the first was that Grace Hill was a nice, residential secluded neighborhood with paved streets and water/sewer access. Mr. Martin said that the owner was concerned about his ability to be able to sell lots if people had to look through their back yard at warehouses, trucks, equipment and etc. Mr. Martin stated that the one hundred foot buffer would be of no cost to the Town if they agreed to leave the wooded strip located along Grace Hill. Mr. Martin said that in regards to the road, obviously it was a residential subdivision where parents should feel comfortable letting their children ride their bicycles or roller-skate on the paved streets but wouldn't feel so if there was truck traffic coming through the neighborhood. Mr. Martin asked the Town not to reroute industrial traffic through the development. Mr. Martin stated that his client, Mr. Sowder, was agreeable to any type of arrangement the Town had in mind regarding the emergency access road. Mr. Martin said that if Council would address those two points he would be grateful. Mr. Martin stated that Mr. Sowder and himself did not oppose the rezoning but rather thought that it would be beneficial to the Town. Mr. Martin finalized by saying that they just wanted to make those arrangements so the residential subdivision could live in harmony next to the industrial property.

Councilmember Nunn asked Mr. Sowder how much he thought a road made of pavers might cost.

Mr. Sowder replied that he did not have a price in mind but noted that they were smaller in size than a concrete block and were not a large investment.

D. Mayor Booth called for additional Staff comments.

Town Manager Saunders used the laser pointer on the wall map to show an area that was set aside as green space when Grace Hill was built and stated that it would remain set aside as such for evermore unless there was a natural disaster. Mr. Saunders said that he just wanted to point that out even

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though it was entirely up to Council how much buffer they had. Mr. Saunders stated that he certainly understood the call for a buffer around the residential lots near the cul-de-sac. Mr. Saunders also pointed out that there would never be any lots on one side of the Town's property line.

Councilmember Nunn asked Mr. Saunders if they still had to leave a hundred foot buffer on that side of the Town property anyway.

Mr. Saunders replied not on that side.

Town Attorney Stamm commented that there were building restrictions.

(Multiple people speaking- inaudible)

Councilmember Bouslough asked Mr. Saunders how big that particular area was.

Mr. Saunders replied that he did not know what the acreage was but stated that it was probably a thousand feet.

Councilmember Bouslough asked about the depth.

Town Manager Saunders replied a couple of hundred feet. Mr. Saunders pointed to and explained that a big part of the area was a storm water basin which fed into the stream. Mr. Saunders then pointed out the access road to the Grace Hill pump station and showed the many, many acres of dense woods. Mr. Saunders stated that by law the Town only had to have a buffer where the yellow areas were on the map. Mr. Saunders said that everywhere else could be cleared to the property line which he was not proposing that they do, but was merely trying to point out what the ground conditions already were. Mr. Saunders felt it would be very appropriate to have a buffer around the cul-de-sac. Mr. Saunders pointed to another area on the map and stated that he felt the Town would be giving developable property away if they put a buffer there. Mr. Saunders finalized by saying that the decision was entirely up to Council.

Mayor Booth asked if the green space was open.

Town Manager Saunders replied that it was very heavily wooded except where the storm water basin was put in.

Mayor Booth asked if it had to stay wooded.

Town Manager Saunders replied that it did not have to stay wooded but they couldn't do anything with it because it was not developable. Mr. Saunders said that he didn't know the laws concerning having it logged.

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Town Attorney Stamm replied that he didn't think it could be and added it all had to be green space.

Town Manager Saunders stated that it wasn't Town property but part of Grace Hill development.

Councilmember Nunn advised that she was sure that everyone wanted to see Mr. Sowder's development take flight therefore she proposed that they leave a hundred foot wooded buffer around the cul-de-sac and not use their road for access to Technology Park.

Mayor Booth asked if there were any additional comments from Mr. Martin or Mr. Sowder.

Mr. Sowder stated that some time ago he had approached the Town in casual conversation and mentioned that maybe the Town would like to own the open space for walking trails. Mr. Sowder said that the green space in his opinion could not be cleared as long as it remained in the possession of the Homeowners Association.

Vice-Mayor Smith asked Mr. Sowder if the open area was owned by the lot owners in Grace Hill.

Mr. Sowder replied that he controlled the covenants and added that out of the 66 lots there he owned 64 and his vote counted 2 to 1. Mr. Sowder stated that what he had discovered was that retirees did not want a large monthly maintenance bill for the up keep on the open space.

Councilmember Nunn advised that that had been her question as well. Mrs. Nunn stated that she had been the president of a very large condo association in Florida. Mrs. Nunn stated if it was common area for the property owners then the Town would not want to get involved because of legal ramifications. Mrs. Nunn went on to say that if it was not common area to the property owners then perhaps the Town might consider it. Mrs. Nunn summed it up by saying the Town didn't want to get involved if it was owned by the Home Owner's Association.

Mr. Sowder replied that at this time, he owned it and if the Town agreed to receive it as a gift and have it remain as park land then there would be no problem. Mr. Sowder advised that the only difference would be that the park would be accessible to the whole Town and not just the property owners of Grace Hill. Mr. Sowder stated that most of it was heavily wooded with only a little of it cleared.

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Mr. Martin approached the map on the wall and said that even though there was a hundred foot building setback, his concern was that an industrial owner would clear the property to the property line and put their trucks, equipment and etc. there. Mr. Martin also stated that the property owner would have every right to do so. Mr. Martin said that he would like to see the Town agree to keep a hundred foot vegetative buffer, which wouldn't cost anything because they would just be maintaining what was already there.

Councilmember Nunn said to Mr. Martin that was her motion.

Mayor Booth replied that they had not gotten to motions yet.

E. Mayor Booth closed the public hearing.

F. Mayor Booth asked for Council comment and/or action.

ACTION: Councilmember Nunn made a motion to rezone the parcels listed as Tax Map Numbers 28-155A, 28-138, and 28-138A from R-1 to M-1 with proffers that a hundred foot vegetative buffer remain between M-1 and R-1 properties and Grace Hill development would not be used as an access to the industrial properties except during an emergency situation, seconded by Councilmember Jones; and carried unanimously.

6. Planning Commission Report – Councilmember Bouslough, Council Liaison

There was no meeting held.

7. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from February 2012 Meeting

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

Councilmember Nunn advised that Town Manager Saunders reported that the custom made enclosure for the blowers at the WWTP had not arrived yet. Mrs. Nunn stated that there had been a great deal of interest from area contractors in the Wiggins Avenue sewer force main replacement project which

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was up for bids. Mrs. Nunn added that bid opening for this project was scheduled for February 22nd. Mrs. Nunn advised that Mr. Saunders reported that the local firm who provided sewer line cleaning or jetting service to the Town had gone out of business and he was in the process of finding a replacement. Mrs. Nunn stated that WWTP Operator Pat Chenoweth and Utilities Supervisor Wayne Kent reported that their departments had not experienced any problems over the past month. Mrs. Nunn finalized by saying that the Well #1 pump house demolition RFP was released for a second time because they had only received one bid.

2) Committee Recommendations to Council

There were no recommendations to Council.

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

1) Report from February, 2012 Meeting

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

Councilmember Nunn chaired the meeting in Mr. Donahue's absence and gave the report.

Councilmember Nunn advised that the Committee discussed the progress on obtaining a street light at the entrance of Technology Park Drive. Mrs. Nunn stated that the Town did not own any property there which was the problem. Mrs. Nunn said that Dominion Power would provide service at either of the existing street lights at little to no cost but the Town would be responsible to run service from there to the site of the lighted sign. Mrs. Nunn advised that Mr. Warren had offered to put a street light at Mercer Place as opposed to the Town procuring a Dominion Power street light for a fifty percent cost share. Mrs. Nunn stated that the Committee recommended that the draft ordinance on derelict structures be finalized and moved forward to Council for adoption and then to public hearing. Mrs. Nunn advised that VDOT had removed the signage for the two parking spaces along East Church Street and replaced them with a "No Parking" sign. Mrs. Nunn said that there used to be four parking spaces there which dwindled down to two and now there were none. Mrs. Nunn advised that the Committee had been given a preview of the trolley operations for 2013 and 2014. Mrs. Nunn added that Bay Transit was trying to obtain a grant for a new trolley and was asking for a commitment from the Town to continue the Triangle Trolley Program through 2014. Mrs. Nunn stated that the Committee had intermediate plans to continue the "Keep Kilmarnock Beautiful" program with hanging baskets. Mrs. Nunn said that they wanted to purchase 4 to 6 baskets to see how they did. Mrs. Nunn advised they wanted to purchase baskets with the plants already in them this year as opposed to last year when the committee did the planting themselves. Mrs. Nunn said that

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right now the big planters had pansies in them. Mrs. Nunn advised that the Kiwanis' Club wanted to put a gazebo at the Kilmarnock Playground and were planning to hold the 1st Annual Shamrock Classic Duck Pin Tournament on March 17th as a fund raiser. Mrs. Nunn said that the Committee recommended giving the Kiwanis a \$250 sponsorship from the Town. Mrs. Nunn stated that the dog park bricks had been ordered and would be ready for installation in April. Mrs. Nunn said that the Town still had pavers left over from the Main Street Project so the Committee was going to put a plan together for a patio entrance at the dog park. Mrs. Nunn advised that once it was completed they would have a ceremony and put up the signs from the commercial donors who donated \$500 each. Mrs. Nunn stated that Mrs. Moubray made each of the donor signs in the shape of a dog bone. Mrs. Nunn said that the Committee received information from the Virginia Municipal League regarding a House Bill that created a new tool for local governments to use in dealing with blight. Mrs. Nunn stated that House Bill 491 allowed a locality to ask a court to appoint its agent as the receiver of blighted property, borrow money to rehabilitate it, and to put the house or other residential building into a condition that was livable and marketable. Mrs. Nunn said that the original owner could pay off the costs of rehabilitation but if unable to do so by the end of the process, the locality could obtain court permission to sell the house or other structure. Mrs. Nunn said that SB 122 was an identical bill winding its way through the Senate.

2) Committee Recommendations to Council

a. Recommendation to approve electrical installation at an anticipated cost of \$2000 to support lighted signage at Technology Drive and sign design concept.

ACTION: Councilmember Nunn made the motion to approve electrical installation at an anticipated cost of \$2000 to support lighted signage at Technology Drive and sign design concept, seconded by Vice-Mayor Smith; and carried unanimously.

b. Recommendation to commit to the trolley program for FY 13 and FY 14.

ACTION: Councilmember Nunn made a motion to commit to the trolley program for FY 13 and FY 14 if required by Bay Transit to do so, seconded by Councilmember Bouslough; and carried unanimously.

c. Recommendation to proceed with the purchase of 4 hanging baskets and associated brackets for this season.

ACTION: Councilmember Nunn made a motion to purchase 4 hanging baskets and brackets for the Keep Kilmarnock Beautiful Program, seconded by Councilmember Bouslough; and carried unanimously.

d. Recommendation of a \$250 sponsorship in support of the 1st Annual Shamrock Classic Duck Pin Tournament benefiting the Kiwanis' Kids Foundation and their effort to build a shelter at the Kilmarnock Playground.

ACTION: Councilmember Nunn made the motion to support the 1st Annual Shamrock Classic Duck Pin Tournament with a \$250 sponsorship benefiting the Kiwanis' Kids Foundation and their effort to build a shelter at the Kilmarnock Playground, seconded by Vice-Mayor Smith; and carried unanimously.

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

1) Report from February, 2012 Meeting

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

Mayor Booth gave the report in Councilmember Donahue's absence. Mayor Booth advised that Chief Bedell provided the Committee with the Public Safety monthly statistics and there was a discussion regarding a pending personnel matter that was on-going.

Councilmember Nunn asked about a meeting that was held on February 1st at 5:00 PM by the Police and Public Safety Committee and was not announced to the public or the press. Mrs. Nunn stated that it was an illegal meeting.

Mayor Booth stated that he was there, along with Councilmember Umphlett but he didn't think it was at 5:00 PM but recalled that it was in the afternoon. After thinking about it, Mayor Booth recanted and stated that it was at 5:00 PM but the only thing he could say about the matter was that they have meetings all of the time and staff usually made the press aware of them. Mayor Booth said that he believed staff was aware of this particular meeting and he wasn't saying that it was done purposely but there was an extra meeting this month that should have been made aware to the press by staff. Mayor Booth

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doubted that there were any intentions to purposely not notify the press on anybody's behalf.

Councilmember Nunn asked Town Manager Saunders if he had been aware of the February 1st meeting.

Town Manager Saunders shook his head indicating that he had not been.

Councilmember Nunn advised Mayor Booth that the staff was not aware of it.

Mayor Booth said again that there was no intention by anybody he knew to mislead anyone. Mayor Booth stated that although he was a member of the Committee, he was not the chairman of it but reiterated that he didn't think there were any intentions on anyone's behalf to do anything wrong. Mayor Booth asked Councilmember Umphlett if she wanted to comment since she was at that meeting.

Councilmember Umphlett stated that she didn't have much to say other than she was under the impression that she and Councilmember Donahue were going to be discussing an issue. Mrs. Umphlett said to tell the truth she didn't even stop to think if it was proper or not. Mrs. Umphlett was under the impression that it was only going to be the two of them there but it ended up being three. Mrs. Umphlett stated that nothing of grave nature was discussed.

Ms. Audrey Thomasson, Reporter for Rappahannock Record, asked Mayor Booth and Councilmember Umphlett where the minutes were from that meeting.

Mayor Booth asked Ms. Thomasson to talk to Councilmember Donahue.

Ms. Thomasson advised that the minutes from that meeting were not in the packet.

Mayor Booth replied that he didn't know and all he could tell them was that he would work on it with Mr. Donahue. Mayor Booth asked Town Manager Saunders if he attended both of the meetings.

Town Manager Saunders replied that he was only aware of the one which was the regular meeting held February 13th.

Mayor Booth said that he was just asking because he was trying to remember what the meeting was about. Mayor Booth told Ms. Thomasson that

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there was no intent to shut the press out and he would talk with Mr. Donahue and get the minutes from that meeting to her.

Ms. Thomasson stated that the meeting had to be posted to the public as well.

Councilmember Nunn was in agreement.

Mayor Booth stated that he understood and reiterated that it wasn't done maliciously, he thought that staff was aware of it, and would make the public aware. Mayor Booth apologized.

2) Committee Recommendations to Council

There were no recommendations to Council.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

1) Report from February, 2012 meeting

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

Councilmember Umphlett advised that there was a brief meeting to discuss the fact that there had not been any meetings which generated laughter.

2) Committee Recommendations to Council

There were no recommendations made to Council.

E. Town Centre Committee: Councilmember Jones, Chair

1) Report from February, 2012 meeting

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

Councilmember Jones advised that Town Manager Saunders reported that a representative from the Library recently confirmed that there was no imminent decision on their part concerning interest in the Town Centre lot. Mr. Jones stated that the Committee discussed putting electrical power on the Town lot by placing two pedestals with drops. Mr. Jones said that the Committee also discussed placing the new building on the site of the current Town Hall. Mr. Jones stated that the Committee was recommending approval by Council for the Town Manager to seek competitive bids for site planning so that a more detailed budget could be developed.

2) Committee Recommendations to Council

a. Recommendation to approve the installation of two electric power pedestals on the Town Centre lot for use at events, concerts, etc.

ACTION: Councilmember Jones made the motion to install two electric power pedestals on the Town Centre lot for use at events, concerts, etc., seconded by Councilmember Nunn; and carried unanimously.

b. Recommendation to approve the solicitation of bids for site planning of a new Town Hall on the same lot as the existing Town Hall.

ACTION: Councilmember Jones made the motion to approve the solicitation of bids for the site planning for a new Town Hall on the same lot as the existing Town Hall, seconded by Councilmember Nunn; and carried unanimously.

Councilmember Jones stated that he wanted to mention that when the Town lot was purchased it was done so to control what was put on it as well as to preserve green space in the Town of Kilmarnock.

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

1) Report from February, 2012 Meeting.

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

Vice-Mayor Smith stated that the Committee continued to review exiting businesses and new businesses coming into Town. Mr. Smith said that there should be two new businesses coming in March to Main Street from a neighboring community. Mr. Smith advised that Town Manager Saunders shared information on the HUB Zone re-designation development following a conference call with Senator Warner's staff. Mr. Smith said that the bottom line was that it had happened and there didn't appear to be anything that the Town could do to stop it but added that it didn't look like at this point it would negatively impact the businesses currently in Town. Mr. Smith stated that the Committee continued its discussion on approaches for engaging the business and citizen community. Mr. Smith said that current discussions included activities by Lancaster by the Bay

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Chamber with the new RCC campus. Mr. Smith stated that they were establishing a breakfast round table so that local merchants could get together and talk. Mr. Smith stated that the Committee also supported the Trolley operation and was also going to recommend to Council to continue its operation.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from February, 2012 meeting.

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

Vice-Mayor Smith stated that the Committee had spent a great deal of time over the past months reviewing a contract between Leland Corporation and the Town of Kilmarnock which was entered into prior to the seating of most current Council members. Mr. Smith said that the contract was an agreement with Leland Corporation to reimburse them for new water/sewer hook-ups put on their property. Mr. Smith advised that up to this point reimbursement had not been made and based on the Town Attorney's recommendation the Committee felt that a check needed to be written for the connections that had already occurred. Mr. Smith stated that the Committee was recommending that any new connections on that property be reimbursed by the Town as they occurred. Mr. Smith advised that the Committee also discussed ways of building communications with the community. Mr. Smith said that staff was asked to research possible methods for periodic communications and would be getting back with them. Mr. Smith stated that the Committee discussed the 2012 renewal for Lancaster by the Bay Chamber and recommended approval of the budgeted item. Mr. Smith advised that the Committee was apprised of the pending BPOL taxes renewal and giving the adjusted rate categories approved in this year's budget. Mr. Smith stated that basically what the Committee did was look to see that lifetime businesses in the Town of Kilmarnock were being treated fairly and everyone was paying the same amount of tax. Mr. Smith said that there were a couple of adjustments that had to be made on an individual basis. Mr. Smith stated that the Committee also did a preview for the trolley operation for 2013 and 2014 and was prepared to make the recommendation to keep it going. Mr. Smith said that FY 2013 Budget operations were under way and Town Manager Saunders requested Councilmembers to provide any input that they had.

2) Committee Recommendations to Council

a. Recommendation that payment to Leland Corporation commence for existing and subsequent connections.

ACTION: Vice-Mayor Smith made the motion that payment to Leland Corporation be made for existing water/sewer hook-ups to date, seconded by Councilmember Umphlett; and carried unanimously.

b. Recommendation that Council approve the disbursements from January 23, 2012 through February 27, 2012 totaling \$157,830.48.

ACTION: Vice-Mayor Smith made a motion to approve the disbursements from January 23, 2012 through February 27, 2012 as presented, seconded by Councilmember Bouslough; and carried unanimously.

Vice-Mayor Smith stated that the Committee was recommending that Council enter into Closed Session under New Business.

Mayor Booth advised the audience that after Town Manager Saunders gave his Administrative Comments then Council would take a brief recess prior to entering into Closed Session. Mayor Booth stated that the audience was not allowed to remain during Closed Session but were welcome to return once Council entered back into the regular meeting.

8. Administrative Comments and Reports: Town Manager Saunders

A. Mary Ball Road CDBG Update

Town Manager Saunders reported that there had been great progress on the Mary Ball Road project and that the utility work was 99% done. Mr. Saunders advised that unfortunately there was a terrible accident on the site last week and one of the workers had been seriously injured. Mr. Saunders stated that the gentleman was in a Richmond hospital and knew that Council joined him in best wishes for his recovery.

B. Sound Control Structure for Blowers at WWTP

Town Manager Saunders advised that the sound control structures that he had ordered had been delivered for the blowers at the WWTP. They had not been installed because of the sewer problem last week on Waverly Avenue. Mr. Saunders said that they simply have not had the spare manpower to get it done. Mr. Saunders stated that they were moving forward on it as quickly as they could.

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C. Welcome Town Clerk Balderson

Town Manager Saunders stated that this had been the first time in twenty years that Jackie Blencowe had not been sitting in the clerk's seat at the Council meeting but added that new clerk Cindy Balderson was present, which generated applause. Mr. Saunders advised that in the four weeks that she had been sitting in the big chair things had run very smoothly.

D. Wiggins Force Main Replacement

Town Manager Saunders stated that it was not in their packet but he had provided Council with a summary of Wiggins Force Main Replacement Project which was put out to bid a month ago. Mr. Saunders said that two bids were received and opened this past Thursday at 2:00 PM. Mr. Saunders advised that the low bid by far came in from Franklin Mechanical which was \$236,000 and the Town had budgeted for \$350,000. Mr. Saunders said that even though this had not gone before the Water/Sewer Committee he would like Council to approve and reward the contract tonight so they could get started. Mr. Saunders said that it had been appropriately advertised

ACTION: Councilmember Nunn made a motion to award the contract to Franklin Mechanical in the amount of \$236,000 for the Wiggins Avenue force main replacement; seconded by Councilmember Bouslough; and carried unanimously.

Councilmember Nunn asked if flowers could be sent to the gentleman who was hurt while working on the Mary Ball Road project.

Town Manager Saunders replied that something had already been done for him on behalf of the Town.

9. Old Business

There was no discussion under Old Business.

10. New Business

A. Board of Zoning Appeals Term

Mayor Booth advised that Al Ludwig's term on the BZA expired this month.

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ACTION: Councilmember Nunn made a motion to nominate Mr. Howard Straughan to fill the vacancy on the BZA,

Mayor Booth stated that he had spoken to Mr. Ludwig who indicated that he would like to be reappointed and he had spoken to Mr. Sebra about it as well. Mayor Booth said that it was at the pleasure of Council on how to proceed.

Mayor Booth asked if there were other nominations.

Vice-Mayor Smith stated that he didn't think that they could take any other nominations until the motion on the floor had been dealt with.

Town Attorney Stamm advised that it was not an election but there was a motion so they needed to take it one motion at a time.

Mayor Booth called for a second to Councilmember Nunn's motion which was granted by Councilmember Jones. Mayor Booth called for the vote which was 4 to 1 in favor of. (Vice-Mayor Smith opposed)

There was applause for Mr. Howard Straughan who was seated in the audience.

B. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (3) to discuss possible acquisition of property.

ACTION: Councilmember Bouslough made a motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (3) to discuss possible acquisition of property, seconded by Vice-Mayor Smith; and carried unanimously.

Mayor Booth called for a 10 minute recess prior to Closed Session at 8:05 pm. Regular Meeting reconvened at 8:25 pm.

C. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (3) to discuss possible acquisition of property.

ACTION: Councilmember Nunn made a statement certifying that during the Closed Session there was no discussion of matters other than those (1) specifically identified in the motion to convene into Closed Session and (2) lawfully permitted to be discussed under

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the provisions of the Virginia Freedom of Information Act cited in the motion.

The statement was unanimously supported by roll call vote:

Booth, Raymond C., Jr. – yes
Smith, William L. – yes
Bouslough, Denis – yes
Jones, Paul S. – yes
Nunn, Rebecca T. – yes
Umphlett, Mae – yes

11. Council Comments

There were no Council comments made.

12. Adjournment

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

Meeting adjourned at 8:30 pm

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Cindy Balderson, Clerk