

May 21, 2012

**KILMARNOCK TOWN COUNCIL**  
**Monday, May 21, 2011**  
**Town Hall**  
**Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order:**

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

William L. Smith, Vice-Mayor  
Shawn Donahue  
Emerson Gravatt

Paul S. Jones  
Rebecca Nunn  
Mae Umphlett

Members Absent:

Raymond C. Booth, Jr., Mayor

Staff Present:

Tom Saunders, Town Mgr.  
Susan Cockrell, Asst. Town Mgr.  
Paul C. Stamm, Jr., Town Attorney  
Joan N. Kent, Transcriber  
Michael S. Bedell, Chief of Police

Vice-Mayor Smith welcomed Kilmarnock residents, business owners, and guests. Vice-Mayor Smith recognized the newest member of Council seated at the table, Mr. Emerson Gravatt who was voted in during a special election and thanked former appointed Councilmember Denis Bouslough for his contributions to Council.

**2. Acceptance and Approval of Agenda:**

Councilmember Umphlett requested to alter the agenda by having the Safe Boating Week Proclamation moved from the New Business section to the Public Comments section.

**ACTION: Councilmember Umphlett made a motion to amend the May 21, 2012 Town Council meeting agenda by moving the Safe Boating Week Proclamation from the New Business section to the Public Comments section, seconded by Councilmember Nunn; and carried unanimously.**

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**3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held April 16, 2012.**

**ACTION: Councilmember Nunn made a motion to approve the April 16, 2012 Town Council Meeting Minutes as presented, seconded by Councilmember Umphlett; and carried unanimously.**

**4. Public Comments and Presentations:**

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

Mr. Les Spivey of East Church Street, Kilmarnock VA stated that he heard that there had been some discussion about moving the playground, which he didn't think was a good idea. Mr. Spivey said that he had a wonderful view of the playground which he admitted created a lot of issues almost every day. Mr. Spivey advised that the trouble with the playground was that teenage boys and girls were showing up and doing a lot of the things that he used to do when he was their age. Mr. Spivey said that he had trouble saying that they were bad people because they were just being teenagers but added that they were climbing on the equipment and they were too big for it. Mr. Spivey stated that they were also making a lot of noise because the boys were showing off trying to win the favor of the young girls and the young girls would scream and giggle in return. Mr. Spivey advised that it got quite annoying at times so he would call the police and the officers would respond to calm them down. Mr. Spivey stated that he knew that this was aggravating to some because it was aggravating to him. Mr. Spivey said that moving the playground to another spot would not eliminate the problem and if it wasn't amongst houses and such then he felt the problem would get worse. Mr. Spivey had two suggestions. One of which, was that the Town build something for the older children such as a basketball court or just put a picnic table on a piece of asphalt which appeared to be all that they needed and the other was that the police show up more often in the early evening hours to redirect the youths energies against inappropriate behavior. Mr. Spivey said that some of the young men meander over to the bushes to relieve themselves, which was aggravating, but added then again they were just young men. Mr. Spivey admitted that he didn't know how to solve the problem but he didn't think that moving the playground was going to do it. Mr. Spivey finalized by saying that if it were removed altogether then the little kids wouldn't have anywhere to go and the teenagers would just go somewhere else.

Vice-Mayor Smith thanked Mr. Spivey for his comments.

## **5. Safe Boating Week Proclamation- Vice-Mayor Smith**

Vice-Mayor Smith read the Safe Boating Week Proclamation and presented it to Vice Commander Ed Hind of Flotilla 33.

## **6. Planning Commission Report**

There was no Planning Commission meeting held.

## **7. Public Hearing:**

The purpose of the hearing was to solicit public input regarding the first reading of the Proposed Operating and Capital Improvement Projects Budget for the Fiscal Year July 1, 2012 through June 30, 2013.

### **A. Description of the proposed budget- Town Manager Saunders**

Town Manager Saunders advised that copies of the proposed budget were available for anyone who wanted it. Mr. Saunders reported that it was advertised in the Rappahannock Record and confirmed that this was the first reading. Mr. Saunders said that the total added up to \$3,786,193. 00. Mr. Saunders stated that there were two components to the budget, one of which was the operating part that consisted of administration, police and public safety, public works and the water/sewer department which incurred day to day, and week to week expenses. Mr. Saunders advised that there was very little change in those budget items from the fiscal budget that the Town was now finishing up. Mr. Saunders said that the difference in this year's budget from last year's budget were the pending capital improvement projects that the Town was supposed to get done in the coming year. Mr. Saunders stated that he recently heard this described as deficit financing or spending money that they were not taking in which was true but added that they were trying to catch up on projects that were budgeted for years ago whereas taxes were assessed but the work was not been done. Mr. Saunders advised that there were a back log of projects but noted that they were very fortunate to have the reserve funds to meet those needs without having to borrow money to do so. Mr. Saunders advised that the capital improvement projects line item on each one of those areas were \$307,000.00 in the administration and general fund category that included \$150,000 of remaining sidewalk and streetlight expense on the Mary Ball Road Block Grant Project. Mr. Saunders said that there were \$220,000 in capital projects in the water category and \$360,000 in projects budgeted for the sewer department. Mr. Saunders advised that when all of those were added together, it equaled \$3,786,000.00. Mr. Saunders said that he wanted to thank everyone who came out for the May 2<sup>nd</sup> Budget Workshop. Mr. Saunders stated that this was the budget that they had worked on for the past several

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months and was what the Admin/Finance Committee was proposing to Council. Mr. Saunders reiterated that this was just the first reading and that changes could be made. Mr. Saunders stated that there would be a second reading at the June Council meeting and that the budget had to be in place by July 1, 2012 when the new fiscal year started. Mr. Saunders said that there was a little uncertainty in a few lines but added that it was not enough to require a new appropriation or hamper a vote. Mr. Saunders advised that the state budget had not been settled which affected how much money the Town received and sent in to the state, in particular to the Virginia Retirement System. Mr. Saunders stated that there could be some small adjustment items but that was something that would be operationally done. Mr. Saunders finalized by saying that the budget did not call for any change in the real estate tax rate, personal property tax rate, or water/sewer rates for the citizens of Kilmarnock.

B. Vice-Mayor Smith opened the public hearing.

C. Vice-Mayor Smith asked for public comments.

There were no public comments.

D. Vice- Mayor Smith asked for further staff comments.

Town Manager Saunders stated that he appreciated everyone's efforts in helping with the budget.

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

Councilmember Nunn thanked Town Manager Saunders for the work that he did on the budget as well as the citizens who attended the work session. Mrs. Nunn said that the Admin/Finance Committee had gone over the proposed budget and felt that everything looked good for the second reading.

**ACTION: Councilmember Nunn made a motion to approve the first reading of the Proposed Operating and Capital Improvement Projects Budget for the Fiscal Year July 1, 2012 through June 30, 2013, seconded by Councilmember Umphlett; and carried with a 4 to 1 vote in favor of. (Councilmember Donahue opposed)**

## **8. Committee Reports:**

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from May meeting

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

Councilmember Nunn stated that Town Manager Saunders reported that progress regarding the Wiggins Avenue Force Main Replacement Project was good but that VDOT's review of some aspects of the job had caused minor delays. Mrs. Nunn advised that necessary easements had been acquired to connect the force main to the relatively new 10" gravity sewer line in Bay Walk rather than the older, smaller gravity line on Hatton Avenue. Mrs. Nunn said that the intersection of East Church Street and Clifton Avenue had been repaired. Mrs. Nunn reported that Bill Rosenbaum was working on drawings for both the Chase Street sewer line replacement and the Waverly Avenue sewer line upgrade, and hoped to have something suitable for bid procurement soon. Mrs. Nunn said that Pat Chenoweth reported that the WWTP continued to perform very well. Mrs. Nunn said that Richard Lynn and P.J. Jones had nearly completed the assembly of the noise control cover for the digester blowers, and in Mrs. Chenoweth's opinion, the noise coming from that source had been reduced. Mrs. Nunn finalized by saying that the Committee would continue to explore options for sewer line jetting services.

## 2) Committee Recommendations to Council

There were no recommendations to Council.

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

#### 1) Report from May, 2012 Meeting

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

Councilmember Nunn gave the Committee Report in lieu of Mr. Donahue's absence from the meeting.

Councilmember Nunn reported that staff was soliciting feedback from tenants on potential styles for the entrance street signage on Technology Drive. Mrs. Nunn said that Lancaster County had been requested to provide feedback on the potential for tax abatements as part of a draft ordinance on derelict structures. Mrs. Nunn advised that a matter related to this topic was the report of an uncovered vehicle, abandoned property, where a neighbor's animal was trapped for several days and the concern was that a child could potentially get trapped as well. Mrs. Nunn added that there were continuing issues at that property. Mrs. Nunn advised that the Committee discussed possible events for the opening day of Baylor Park, targeting June 2<sup>nd</sup>, which was National Trails Day.

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Mrs. Nunn stated that June 14<sup>th</sup>, Flag Day, would feature an American Flag Retirement Ceremony at the Town lot. Mrs. Nunn advised that the Coast Guard Auxiliary, KVFD, and the Town would conduct ceremonies to retire community flags by the proper method which was burning them. Mrs. Nunn said that the community was invited to bring their old flags to the lot on that date from 5:30 to 7:00 pm. Mrs. Nunn stated that the remaining Bradford Pear trees on Main Street were overhanging the sidewalks and beginning to pose a hazard. Mrs. Nunn said that since the trees were on private property, a letter would be sent to the owners requesting that they be pruned. Mrs. Nunn advised that one area in particular was around the Post Office where the tree limbs were blocking street lights and making the entrance and exit difficult to see at night. Mrs. Nunn reported that the planters in the Steptoe's area were complete. Mrs. Nunn said that June 16<sup>th</sup> was the target date for unveiling the memorial bricks at Scottie Yard Dog Park at 11am when the park and animals would be blessed along with other scheduled activities. Mrs. Nunn advised that June 15<sup>th</sup> was the target date to have power at the Town Centre lot. Mrs. Nunn stated that the Kiwanis Satellite Club was making progress with the purchase of a completed gazebo which would be placed on the Waverly Avenue side of the playground.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from May, 2012 Meeting

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

Councilmember Donahue waived the reading of the report.

2) Committee Recommendations to Council

There were no recommendations to Council.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

1) Report from May, 2012 meeting

There was no meeting held.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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E. Town Centre Committee: Councilmember Jones, Chair

1) Report from May, 2012 meeting

There was no meeting held.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from May, 2012 Meeting.

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

Vice-Mayor Smith advised that the Committee continued its conversations regarding recent businesses coming into Town and those exiting, trying to find out the reasons for those leaving and what could have been done to retain them. Mr. Smith stated that the Committee reviewed the input from the Steptoe's merchants meeting held by Lancaster by the Bay Chamber. Mr. Smith advised that attendance was light, noting that several of the five in attendance were new businesses owners and he found it refreshing to get their input. Mr. Smith said that those in attendance had felt that the discussion was worthwhile and were going to work towards a second meeting. Mr. Smith stated that the Committee discussed various strategies regarding the creation of a signature event for the Town comparing Kilmarnock to Urbana who hosted an annual Oyster Festival. Mr. Smith said that they had asked staff to continue with that discussion and bring ideas to the Committee. Mr. Smith advised that staff was asked to create a proposal to market transportation from Grey's Campground to Kilmarnock and added that Bay Transit would be able to provide that transportation, however it would come with a fee. Mr. Smith said that he requested to enter into a Closed Session during the Committee meeting to discuss the possible acquisition of property. Mr. Smith finalized by saying the Committee was reminded of the May 18<sup>th</sup>, and 19<sup>th</sup>, Parade of Homes Event and the 4<sup>th</sup> Annual Kilmarnock Wine Festival which would be held on June 23<sup>rd</sup> at the Town lot.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from May, 2012 meeting.

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

Vice-Mayor Smith stated that the Committee discussed FY 2013 budget preparations based on the input received during the work session and added that there was no additional feedback from Councilmembers or staff. Mr. Smith advised that following the discussion, an adjustment was requested to move \$2000 from Mayor's Initiative Fund to a Public Support Fund for fire and rescue services only. Mr. Smith stated that Town Manager Saunders provided an update on the Commonwealth's Budget status and local implications with the significant item being the 5% employee contribution to the Virginia Retirement System. Mr. Smith explained that the Commonwealth's Budget would require employees to begin contributing but it also included a matching payroll increase as the contribution amount was phased in. Mr. Smith advised that Town Manager Saunders would provide the net dollar change to the FY 2013 Budget if an immediate 5% change was adopted by Council. Mr. Smith stated that staff had recommended the formal adoption of the Library of Virginia standards for record retention and destruction, which had been a long term practice, and would be an enabling step if the Town chose to have them host its' documents. Mr. Smith advised that during a previous meeting, a discussion was held regarding the creation of Committee guidelines which would state what each Committee was responsible for and what Councilmembers were required to do as part of that Committee. Mr. Smith said that he and staff were working on a summary of roles, responsibilities, and functions for subcommittees and stated that a draft would be provided at the June Council meeting. Mr. Smith reported that Town Manager Saunders updated the Committee on the FY2012 capital improvement projects which included the Radio Well fence, Wiggins Avenue force main replacement, Wiggins Avenue lift station generator replacement and radio-read water meter purchases. Mr. Smith said that the Committee reviewed the request by the Coast Guard Auxiliary proclaiming May 19<sup>th</sup> to 25<sup>th</sup> as National Safe Boating Week. Mr. Smith finalized by saying that an issue between adjoining sidewalk owners regarding cleanup of construction materials was resolved by the parties involved.

## 2) Committee Recommendations to Council

Recommend that Council approve the disbursements from April 17, 2012 to May 21, 2012 totaling \$177, 034.11.

Councilmember Gravatt asked for clarification on the fencing at Radio Well.

Councilmember Nunn advised that the Town needed to enclose the area around the well behind the radio station for security purposes.

Councilmember Jones advised that he had made a motion to have that done five years ago.

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Vice-Mayor Smith asked Town Manager Saunders if it had been on the CIP list that long.

Town Manager Saunders replied that it had been on his list for a while and he assured Council that it was getting done.

Councilmember Gravatt asked for clarification regarding the State imposing a 5% increase towards an employee's Virginia Retirement Pension and the Town having to match that.

Town Manager Saunders advised that years ago in lieu of a pay raise the State decided to make a 5% employee contribution to their retirement pension and had continued to do so every year since then. Mr. Saunders stated that the Governor had decided to put an end to that so now employees had to go back and make the 5% contribution towards their pension. Mr. Saunders said that in return, in order to make up for the raise that didn't happen, the state was requiring the localities who participated to give the employees an equal amount of salary increase. Mr. Saunders simplified things by saying that the employees would get a 5% raise which would then be deducted. Mr. Saunders said that it should have been a wash but everyone knew it wasn't because the employees had to pay the taxes on the five percent raise and the Town had to pay the increased benefit on the salaries. Mr. Saunders advised that it ended up being a net out of pocket for the employees and the Town. Mr. Saunders said that it was supposed to make the Virginia Retirement System more solvent but reiterated that it ended up being a wash. Mr. Saunders said that the State was still hashing this out because they have not resolved their own budget issues.

Councilmember Donahue wanted to know how much this would cost the Town.

Town Manager Saunders replied that it came out to about \$20,000 for the Town.

Councilmember Donahue asked how much the Trolley was costing per year.

Assistant Town Manager Cockrell replied around \$8,200 per year.

Vice-Mayor Smith advised that the Trolley was not actually costing the Town that much because it was being offset by advertising.

Assistant Town Manager Cockrell agreed and said that the trolley cost somewhere in the neighborhood of \$1500 on an annual basis.

**ACTION: Councilmember Donahue made a motion to**

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**approve the disbursements from April 16, 2012 to May 21, 2012 totaling \$177,034.11 as presented, seconded by Councilmember Umphlett; and carried unanimously.**

**9. Administrative Comments and Reports:** Town Manager Saunders

A. Mary Ball CDBG Project Update

Town Manager Saunders reported that the project was making progress, was on schedule, and there were two more closings this week.

B. Through Truck Restrictions

Town Manager Saunders advised that 'Through Truck Restrictions' were in place and that the signs had been put up. Mr. Saunders said that Chief Bedell was working with his staff regarding enforcement.

C. Wiggins Avenue Force Main Project

Town Manager Saunders stated that the Wiggins Avenue force main project was about 70% complete. Mr. Saunders advised that the 30% left on the project was the hard part because they would have to channel beneath Route 3 but added that they were on schedule to have it completed before the end of the fiscal year.

D. Safe Routes to School

Town Manager Saunders stated that the Safe Routes to School Project was federal monies routed through state highway departments designed to help fund sidewalks, crosswalks, etc., to encourage kids to walk and bike to school. Mr. Saunders said that staff was already working with the school system to come up with a plan.

E. Budget Work Shop

Town Manager Saunders thanked everyone again who participated in the FY2013 workshop on May 2, 2012.

F. Death of Dr. Jack Russell

Town Manager Saunders stated that everyone was saddened at the loss of Dr. Jack Russell who was one of Kilmarnock's representatives on the County Board of Supervisors and a true friend to Kilmarnock. Mr. Saunders advised that as he understood his replacement would be named at the Board of

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Supervisors meeting on May 22, 2012. Mr. Saunders said that his appointment would later be filled by Special Election.

#### G. Absence of Town Clerk

Town Manager Saunders stated the absence of Cindy Balderson was due to surgery that she had undergone on Thursday and added that she was doing really well but wasn't up to being at the Council meeting.

#### H. Death of Former Kilmarnock Police Officer

Town Manager Saunders advised that former Town Police Officer James Moore passed away over the weekend. Mr. Saunders stated that Mr. Moore had been very ill for a long time. Mr. Saunders said that he was a man who served the Town of Kilmarnock well.

#### I. Hospital Water Tower

Town Manager Saunders advised that the Hospital Water Tower had now been painted.

### **10. Old Business**

There was no discussion under Old Business.

### **11. New Business**

There was no discussion under New Business.

### **12. Council Comments**

Councilmember Gravatt said that he was honored to have been elected by the citizens of Kilmarnock to serve on Council. Mr. Gravatt stated that he was fully aware that 49% of the citizens voted against him. Mr. Gravatt hoped that he would be able to gain their trust over the next two years and prove to them that his decision making would be independent and for the best interest of the Town. With that said, Mr. Gravatt stated that he did not believe that he would be able to change the feelings of one small group known as the Concerned Citizens for a Better Kilmarnock and therefore he was not even going to try. Mr. Gravatt advised that their ignorance shown towards him, negative attacks, assumptions against him, and untruths published and distributed to the voters of Kilmarnock was uncalled for. Mr. Gravatt said that he had discussed running a positive campaign with his constituent Steve Bonner early on, concentrating on their own qualifications, and that was what they did. Mr. Gravatt thanked Steve Bonner for doing so, adding that Mr. Bonner was true to his word. Mr. Gravatt said that he

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was looking forward to working with each Councilmember to make Kilmarnock a place that people wanted to work and live in.

### **13. Adjournment**

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

Meeting adjourned at 7:40 pm

Prepared by:

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Joan N. Kent

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William L. Smith, Vice- Mayor

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Tom Saunders, Town Manager

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