

July 18, 2011

**KILMARNOCK TOWN COUNCIL  
Monday, July 18 2011  
Town Hall  
Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order:**

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

Raymond Booth, Mayor  
William L. Smith, Vice-Mayor  
Shawn Donahue

Paul S. Jones  
Rebecca Nunn

**Staff Present:**

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

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

**2. Acceptance and Approval of Agenda**

**ACTION: Councilmember Nunn made a motion to accept the agenda for the July 18, 2011 Regular Town Council meeting 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 June 20, 2011.**

**ACTION: Vice-Mayor Smith made a motion to accept the June 20, 2011 Regular Town Council Meeting Minutes as presented, seconded by Councilmember**

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**Nunn; and carried unanimously.**

#### **4. Public Comments and Presentations:**

##### A. Public Forum

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

Mr. Bob Smith of 431 Kenmore Avenue, Kilmarnock, VA, stated that he had been a Town resident for over thirty years, had served on Town Council, and was currently serving on the BZA. Mr. Smith said that he really loved Kilmarnock but was upset by several different things that he had seen, heard, and read. Mr. Smith stated that millions and millions of dollars had been spent to improve the downtown area and now there were issues regarding signs and the sign ordinance. Mr. Smith advised that he was really upset by one particular rolling billboard that sat in the middle of Main Street in the Steptoe's District advertising a business on the side of a truck which to him looked like trailer park stuff. Mr. Smith stated that this was not the kind of thing that fit the image of the Town. Mr. Smith urged Council to do something about it when they revised the sign ordinance because in his opinion it made the Town look trashy. Mr. Smith said that he did not need to say anything about the person behind the rolling billboard because he felt that Council got the hint. Mr. Smith also urged the Planning Commission when revising the sign ordinance to put something in there to eliminate this. Mr. Smith advised that there were some signs that were very close to the road and noted one in particular had a concrete pillar which obstructed vision when entering on School Street. Mr. Smith acknowledged that he really did not understand how the Planning Commission worked anymore, but when he was on Council the Town Manager was the liaison. Mr. Smith said that somewhere along the line, a Councilmember became the liaison and sat in on the meetings but he did not think they were supposed to have a vote. Mr. Smith advised that he read in the paper where the liaison was participating in activities such as voting. Mr. Smith addressed Mayor Booth and said that he understood that he had assigned himself to the Planning Commission as the current liaison.

Mayor Booth replied that he had.

Mr. Smith asked Town Attorney Stamm if things had changed and if the liaison could vote.

Town Attorney Stamm replied that the By-Laws for the Kilmarnock Planning Commission had changed.

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Mr. Smith said that the reason he asked was because twenty-five years ago an active member of the Town told him that Council did not mean anything because the Town was run by the Planning Commission. Mr. Smith advised that was at the time when he was going on Council. Mr. Smith stated that the Planning Commission had its work cut out for it because of the signs and sidewalks which were specific issues that needed to be dealt with. Mr. Smith finalized by saying that if the Planning Commission was active then they needed to do some planning.

#### B. Planning Commission Report: Mayor Booth, Council Liaison

Mayor Booth briefly commented on a few statements made by Mr. Smith. Mayor Booth advised that he was entitled to appoint a liaison to the Planning Commission and had, on an interim basis, appointed himself due to the vacancies on Council. Mayor Booth stated that he had served on the Planning Commission for four years, three of which he was Chairman, and noted that the liaison had always voted. Mayor Booth believed it was the correct procedure which had been in place for quite some time. Mayor Booth reported that during the most recent meeting there were three primary areas of discussion which were signage, penalties for nuisance properties, and the nominees for the vacancy on the Planning Commission. Mayor Booth advised that Commission Members charged Zoning Administrator/Planning Director Sebra with revising the current sign ordinance because their foremost concern was that new technology such as animated signs and electronic signboards were not covered under the existing one. Mayor Booth said if there were other issues or concerns that the public had regarding signage the Planning Commission, Mr. Sebra or the Town Council would be glad to take a look at them. Mayor Booth stated that in regards to nuisance properties, repeat offenders had been a concern in the Streets Committee meetings. Mayor Booth advised that there were just some people who would not cut their grass until they received a letter threatening Town action. Mayor Booth stated that in a lot of the cases these individuals got by with one mowing instead of the five or six that were needed which was financially beneficial to them. Mayor Booth said that the Planning Commission discussed putting some teeth into the ordinance by increasing the administrative fee and coming up with graduating penalties for repeat offenders. Mayor Booth advised that Mr. Sebra was also taking a look at this and would be working with the Town Attorney on it. Mayor Booth stated that the third primary subject of the meeting was the discussion of applicants for the vacancy on the Planning Commission. Mayor Booth advised that he felt there were four fine applicants who had applied. Mayor Booth stated that the Planning Commission discussed the applicants and when the vote was taken two candidates were chosen: Mrs. Joan Gravatt and Mr. Travis Abbott. Mayor Booth advised that the two individuals were tied with an equal amount of votes and, therefore, both were recommended to Council.

Councilmember Donahue stated that he would like to address the signage issue. Mr. Donahue said that nobody wanted to come out and say it but

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the controversy was over his sign at the Entertainment Center. Mr. Donahue advised that he put the sign up and was not happy with it but when everyone started complaining, writing letters, and calling VDOT he thought that he would leave it up a little longer. Mr. Donahue stated that he did not think the sign was appropriate for the Steptoe's area but commented that when crossing over into using new technology one learned from experience. Mr. Donahue said that as a citizen and business owner he did not think the sign was appropriate but had a hard time with government telling him how he could market. Mr. Donahue commented that it was put up temporarily and he felt that it should come down. Mr. Donahue advised that there should be ordinances in place like what Williamsburg had that prohibit those types of signs in the downtown historical area. Mr. Donahue said that everyone had criticized him, but the benefit was that this issue was being addressed up front. Mr. Donahue stated that he was not comfortable with it and he did not think the citizens of Kilmarnock were comfortable with it but added that business people had to learn what did and did not work and others had to be respectful of the business community and not let government run the community. Mr. Donahue said there was a fine line there when someone said that they did not like your van and your sign. Mr. Donahue asked where government, all of a sudden, took over their responsibility as citizens and business people. Mr. Donahue warned that they had to be careful not to become a socialized society. Mr. Donahue finalized by saying that the sign would come down, not because of the Town since he thought it was grandfathered, but because he thought it was inappropriate which was more important.

Councilmember Nunn advised that she wanted to raise an issue regarding a statement made by Mayor Booth. Mrs. Nunn commented that the Mayor said that he had the right to appoint himself or someone else to the Planning Commission. Mrs. Nunn said that 21-A of the Town Charter stated that the Town Council should be authorized and empowered to appoint citizens and advisory committees to advise the Council on various matters but added that nowhere in the Charter did it say that he could appoint a liaison to the Planning Commission. Mrs. Nunn continued by saying that any appointments that he wished to make had to be approved by the Council so she felt that it would be appropriate for him to put it before Council now. Mrs. Nunn commented that they would probably vote for him to be the liaison to the Planning Commission but said that it should be done legally.

Mayor Booth wanted to comment on Councilmember Nunn's first remark by saying that he did not appoint Planning Commission Members with the exception of the liaison to the Planning Commission from Council. Mayor Booth advised that the Mayor had always traditionally made that appointment. Mayor Booth asked the Town Attorney for his opinion as to whether it was appropriate for Council to ratify the appointment. Mayor Booth believed that they had this round before and it was his understanding that the appointment did not have to be ratified, that there had to be an objection sustained by a two-thirds vote and from that point a motion could be made to ratify that appointment or any appointment to

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committees. Mayor Booth stated that he would take the opinion of the Town Attorney.

Town Attorney Stamm replied that he did not have that information with him but would conduct some research and gladly render his opinion at the next Council meeting.

Councilmember Nunn advised that she could read it to them from 21-A of the Town Charter which said that the Town Council should be authorized and empowered to appoint citizen advisory committees to advise the Council on various matters. Mrs. Nunn stated that it did not specifically say anything about the Planning Commission liaison but nowhere in the Charter did it say that the Mayor may appoint anyone. Mrs. Nunn finalized by saying that it all had to be done by Council.

Town Attorney Stamm stated that he realized what the Charter said but noted that he had to refer to the Code of Virginia for advice which trumped the Charter.

Councilmember Nunn advised that there was nothing in the Code of Virginia regarding the Mayor appointing a liaison to the Planning Commission because she had read it. Mrs. Nunn also said that the Town's Charter overrode the Code of Virginia.

Mayor Booth advised Mrs. Nunn that Council had a Town Attorney for a reason and thought it was fair for Council to give him the appropriate time to render an opinion, and when Mr. Stamm did he thought it would be reasonable to accept his opinion. Mayor Booth asked Councilmember Nunn if she would agree to that.

Councilmember Nunn replied "sure".

Mayor Booth advised that they would wait for the Town Attorney's opinion and take whatever additional action, if any, was required.

Vice-Mayor Smith stated that Mayors had appointed the Council Liaison in the past and asked if that was correct.

Mayor Booth replied that for as long as he could remember the Mayor had made the appointment.

Town Attorney Stamm replied for as long as he had been the Town Attorney the Mayor had appointed the Council Liaison; however, he did not recall any of the Mayors appointing themselves and assumed that was where Councilmember Nunn was going with this.

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Councilmember Nunn replied that she did not personally have any problem with Mr. Booth being the liaison.

Town Attorney Stamm said that if they wanted to follow up and do what they did on the other committees the Mayor appointed himself to, they could bring it before Council and vote on it.

Councilmember Nunn reiterated that it needed to be voted on if the Mayor was going to appoint himself to the Planning Commission.

Mayor Booth stated that he was not sure that this was the same and would wait for the Town Attorney's opinion. Mayor Booth said that, in the meantime, Council had important business to attend to and instead of doing something off the cuff this seemed to make more sense. Mayor Booth asked if there were any other comments pertaining to the Planning Commission report.

## **5. Committee Reports**

### **A. Water/Sewer Committee:**

There was no meeting held for the month of July.

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

#### **1) Report from July 7, 2011 Meeting**

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

Councilmember Donahue reported that the Tides Inn in Irvington would no longer be displaying fireworks on the 4<sup>th</sup> of July and the Committee felt that the Town should seize the opportunity to bring the 4<sup>th</sup> of July event to Kilmarnock which he felt was long overdue. Mr. Donahue said that the Committee would be researching times and dates for this. Mr. Donahue hoped to report their findings at next month's meeting. Mr. Donahue stated that Mayor Booth had brought up that there was a lot of curbing in the parking lot behind Lee's Restaurant on Waverly Avenue that looked as if it had rotted and needed to be replaced. Mr. Donahue said that the Mayor also brought up an initiative by the Kiwanis, through Sheriff Crockett, to donate a 12X12 or 12X16 pavilion/gazebo at the Kilmarnock playground. Mr. Donahue reported that there was an issue regarding some picket fences which the Mayor said he would take care of. Mr. Donahue advised that economy had to be getting better because the Town could not find anyone who wanted to go to work for the maintenance department. Mr.

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Donahue said that a guy showed up, worked one day, and then quit. Mr. Donahue reported that the Town was still trying to find someone who wanted to work for a living to fill the position in the Steptoe's area. Mr. Donahue noted that everyone had probably noticed the demolition of the Davis Dodge building and added that things were looking much better around there. Mr. Donahue advised that the Beautification Committee had suggested strategically placing hanging baskets on Main Street and the Streets Committee decided to hang two on a trial basis. Mr. Donahue said that of the two that were hung one lived and the other died so, therefore, they were still uncertain as to whether or not they had the water capability to keep them alive during the drought season. Mr. Donahue stated that the Town owed a special "thank you" to the Garden Club who contacted VDOT to clean up all of the crepe myrtles on the north end of Town. Mr. Donahue finalized by saying that the Mayor had required that every committee and sub-committee maintain electronic files so that the minutes from those meetings could be recovered and played back in regards as to what was said and not said in comparison to what was reported in the newspaper.

Councilmember Nunn commented that she thought the request made by the Mayor would have to be voted on as well.

## 2) Committee Recommendations to Council

There were no recommendations to Council.

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

There was no meeting held for the month of July.

### D. Emergency Preparedness Committee:

There was no meeting held for the month of July.

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

#### 1) Report from July 12, 2011 meeting

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

Vice-Mayor Smith reported that the meeting was brief. Mr. Smith said that the Committee started its preliminary branding of what Kilmarnock was and how it should look in regards to advertising so that every advertisement that went out would be recognized by the public as coming from the Town because of the logo. Mr. Smith advised that Assistant Town Manager Cockrell had spent a substantial amount of time on this but noted that it was still in the beginning stages. Mr. Smith stated that the Committee reviewed the Virginia Tourism Guide for 2012

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and, based on their rate, the Committee did not feel that it was prudent to advertise in that market at this time. Mr. Smith said that the enterprise zone submission to the Northern Neck Planning Commission was now complete and they were waiting on the total EZ amendment which was scheduled for December 2011. Mr. Smith finalized by saying that over the next few months research was being conducted to add more visitor information to the Town's website.

Councilmember Donahue stated that he brought this subject up two meetings ago and was told then he was wrong and just did not know how to use a computer, but he continued by saying that he went on to the Town's website and printed out the last time it was updated which was on March 21, 2011 regarding Town Council Minutes and the meeting schedules were last updated on May 2011. Mr. Donahue stated that he did not know why the Town should spend money marketing Kilmarnock when no one even knows when meetings are going to take place. Mr. Donahue said that for two months in a row the information had not been updated on the website.

Mayor Booth stated that he had a conversation with Town Manager Saunders regarding this and asked if he had any comments.

Town Manager Saunders replied that he would have to check into it.

Mayor Booth said that he was just asking that someone try to look into it because it was important to keep the website updated. Mayor Booth stated that he realized that it was a lot of work and information to keep up with.

## 2) Committee Recommendations to Council

There were no recommendations made to Council.

### F. Town Centre Committee:

#### 1) Report from July 12, 2011 meeting

A copy of the Committee meeting notes was not included in each Councilmember's packet.

Councilmember Nunn advised that discussions regarding the plans for the Town Centre had been put on hold until August. Mrs. Nunn asked if the Town had a request to hold a candlelight vigil fundraiser on the Town lot.

Town Manager Saunders replied that there was a request to hold a private candlelight vigil there but it was not a fundraiser.

Councilmember Nunn asked if the request was turned down.

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Town Manager Saunders replied that it was.

2) Committee Recommendations to Council

There were no recommendations made to Council

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

1) Report from July 1, 2011 meeting.

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

Vice-Mayor Smith stated that Town Manager Saunders had reported that substantial demolition was under way to the Davis building on North Main Street and that no further action by the Town was needed. Mr. Smith said that there were some issues in the past regarding the record keeping of which Councilmembers were attending Committee meetings and which were not. Mr. Smith said that at the top of the Committee Meeting Minutes there was a list of Committee Member names and an "x" placed by the names of those who were present. Mr. Smith advised that the Committee looked at a matter concerning the water/sewer connection at the Crowther home on Purcell which had been referred to them from the last Council meeting. Mr. Smith said that it was their recommendation to forward this issue to the Water/Sewer Committee first for their recommendation which would then be forwarded to Admin/Finance Committee for review. Mr. Smith advised that the Committee spent some time discussing staff salaries and how pay raises would be administered in the future. Mr. Smith said that they were still working on that issue. Mr. Smith noted that there was discussion regarding how the applicants for the open Council seats would be considered and interviewed. Mr. Smith advised that there was a general consensus that the applicants would be interviewed on an individual basis if they thought it was necessary during a work session before the July Council meeting, but all of the applicants would be asked to be present at the July meeting. Mr. Smith advised that Town Manager Saunders reported that the online payment system for water/sewer bills was up and running. Mr. Smith said that he was a guinea pig for the process and found that it ran quite smoothly. Mr. Smith noted that if someone was going to pay online they would have to have their customer id number from their bill. Mr. Smith said that Town Manager Saunders advised that the Town actually owned an abandoned building on Waverly Avenue which was in disrepair. Mr. Smith advised that the Committee felt that if the Town was looking to others to improve their property then they had to take a look at the properties owned by the Town. Mr. Smith said that Councilmember Donahue reported that the condition of the rear maintenance building behind Town Hall was disgraceful and should be dealt with at once. Mr. Smith also advised that Mr. Donahue reported the Town's website was not being kept up and several links were not working. Mr. Smith said that Town Manager Saunders reported that the office

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copier was failing and would be replaced by a new unit that was available under very favorable terms through the US Communities Government Contract. Mr. Smith said that Mr. Saunders also reported that the Department of Housing and Urban Development had recently ruled that governments were exempt from provisions of the Safe Act which had been holding up progress on the CDBG Project on Mary Ball Road. Mr. Smith stated that work would continue on that very shortly. Mr. Smith said that he took the Town financial report of 18 to 20 pages and put it into a one page summary. Mr. Smith stated that revenues were up and expenses were down. Mr. Smith advised in the general fund the budget for the year was \$1,817,135 and actually brought in \$1,985,533 which was a 9.3% increase over budget. Mr. Smith stated that in the water category there was a 9.1% increase in revenues over budget and in sewer there was a 16.2% increase in revenues over budget. Mr. Smith advised that total revenues for the year came in at \$3,995,692. Mr. Smith stated that General Fund Expenses budgeted for was \$1,418,909 but actually came in at \$1,297,956 so there was an 8.5% savings in expenses. Mr. Smith advised that there was a 16.9 % savings in water and 6.6 % savings in the sewer. Mr. Smith asked Councilmembers to keep in mind that did not include any capital improvements which were listed at the bottom of the page. Mr. Smith stated that at the end of the day, the Town took in \$3,995,692 and paid out \$3,711,080 with a cash surplus of \$284,612. Mr. Smith advised that this was preliminary and that the books had not been closed yet. Mr. Smith stated that last month he had estimated that the surplus would be at the \$400,000 mark and added that the \$284,612 did not include the reimbursement that they would be receiving from the Mary Ball Grant Fund which was estimated at \$100,000 to \$150,000.

Mayor Booth thanked Vice-Mayor Smith for such a thorough job.

## 2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from June 21, 2011 to July 18,2011 totaling \$158,706.20.

Councilmember Donahue inquired about the Cobra Health Care Retiree premium of \$190.00 and stated that he did not know anyone who qualified for that. Mr. Donahue wanted to know before the check was written who the individual was and how long were they going to pay the benefits for this person.

Town Clerk Blencowe advised that the premium was paid monthly to the Town by retiree John Stoner to be forwarded to the insurance company. Mrs. Blencowe stated that Mr. Stoner paid the whole premium each month, but the check had to come from the Town.

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Councilmember Donahue wanted to know if that was standard operating procedure for the Town and if there was anyone else that they did this for.

Mrs. Blencowe replied not at this time.

Vice-Mayor Smith advised that was a flowthrough as far as the Town was concerned.

**ACTION: Councilmember Nunn made a motion to approve the disbursements from June 21, 2011 to July 18, 2011 as presented, seconded by Vice-Mayor Smith; and carried unanimously.**

## **6. Administrative Comments and Reports: Town Manager Saunders**

### **A. Mary Ball Road CDBG Update**

Town Manager Saunders reported that the contractor on the Mary Ball Road Project was making progress on the sewer line and was very close to finishing it up. Mr. Saunders advised that the housing rehab part of the project had slowed down considerably over the last few months due to a law that was passed by Congress having to do with truth in lending management that caused the Town to have to jump through hoops. Mr. Saunders stated that it was really a banking regulation, but it was applied to the Town because there were some zero interest loans involved in the project. Mr. Saunders said that just in the last few weeks it was resolved that local governments were exempt and with this behind them he wanted to thank Mr. John O'Shaughnessy and Ms. Carol Rakes at Chesapeake Bank who went to bat for the Town and would have taken over the federal portion of the project just to help out.

Councilmember Nunn suggested that a thank you letter signed by Mayor Booth be sent to Mr. O'Shaughnessy and Ms. Rakes.

Town Manager Saunders advised that he would draft something up for the Mayor's signature.

### **B. Online Utility Payments**

Town Manager Saunders stated that just as Vice-Mayor Smith had mentioned earlier, the utility payment section was now up and running online. Mr. Saunders said that they would be adding the tax payment portion down the road. Mr. Saunders finalized by saying that in early August they hoped to be able to take credit cards at the front counter.

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### C. VML Annual Conference

Town Manager Saunders stated that the VML Annual Conference was scheduled for October 2nd to 5th in the west end of Richmond on Broad Street in Henrico County.

### D. Paving

Town Manager Saunders advised that he spoke to Mr. Harper with VDOT who stated that they were starting the milling process in preparation for paving on East Church Street out to Bluff Point Road. Mr. Saunders feared a repeat episode like they had on Irvington Rd. Mr. Saunders advised that VDOT would be working with the Town's Utility Department to make sure that all of the manholes were flush and smooth when they were finished. Mr. Saunders did not have a confirmed date but VDOT thought that this would take place before the end of August.

## 8. Old Business

There was no discussion under Old Business.

## 9. New Business

### A. Appointments to fill two vacant Council seats and one Planning Commission seat

Mayor Booth advised that many of the applicants for the vacant positions were present in the audience. Mayor Booth stated that he would introduce the candidates and allow each of them to speak to Council. Mayor Booth said that if Council had any questions for the applicants he definitely encouraged an exchange. Mayor Booth asked Councilmembers if they had a preference on which candidates went first.

Councilmember Nunn stated that she would start with the Planning Commission candidates since that was where the first vacancy had occurred.

Councilmember Donahue agreed with Councilmember Nunn.

Mayor Booth advised that the Planning Commission had forwarded two names to Council for their vacancy: Mrs. Gravatt and Mr. Abbott. Mayor Booth stated that a vote by the Planning Commission ended in a tie for those two individuals. Mayor Booth asked Mrs. Gravatt if she would like to address Council.

Mrs. Joan Gravatt introduced herself and stated that she had lived in Kilmarnock with her husband since 1970. Mrs. Gravatt commented that her

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husband was born here and recalled that they came here for a summer visit and liked it so much that they ended up staying. Mrs. Gravatt advised that they raised their family here. Mrs. Gravatt said that she and her husband Emerson were in business downtown for almost twenty years and then she went back into education as a teacher for seventeen years and recently retired. Mrs. Gravatt advised that she was very interested in the Town of Kilmarnock and wanted to be of service.

Mayor Booth thanked Mrs. Gravatt and added that they appreciated her application. Mayor Booth asked Councilmembers if they had any questions.

Councilmember Nunn asked Mrs. Gravatt if the two of them had a conversation regarding an email sent to Mrs. Jane Ludwig with Mrs. Gravatt's intention of being appointed to Planning Commission prior to the 25<sup>th</sup>.

Mrs. Gravatt replied that they did.

Councilmember Nunn asked Mrs. Gravatt if she had told her that she had received an email from Mrs. Ludwig confirming that she had put in for appointment.

Mrs. Gravatt replied that she did.

Councilmember Nunn asked Mrs. Gravatt if this was prior to the letter to the editor of the newspaper in June saying that three people had told her that they had submitted their names for appointment.

Mrs. Gravatt replied yes, she thought so and added that she had emailed Mrs. Ludwig because she had heard of the opening. Mrs. Gravatt told Mrs. Ludwig that she was tired of being retired. Mrs. Gravatt explained that it was time for her to come out of retirement because she had been retired for six months which generated laughter. Mrs. Gravatt said that she received an email back from Mrs. Ludwig saying "that sounded great". Mrs. Gravatt called Mrs. Ludwig about a month later and Mrs. Ludwig told her that she did not remember receiving the email. Mrs. Gravatt said that was when she came to the Town Office and put in a formal application.

Councilmember Nunn asked Mrs. Gravatt if Mrs. Ludwig had recalled at a later date that she had received the email.

Councilmember Donahue asked what this had to do with Mrs. Gravatt's qualifications.

Councilmember Nunn told Mr. Donahue that she had the floor.

Mrs. Gravatt replied that Mrs. Ludwig had recalled receiving the email.

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Mayor Booth said he thought the problem was that Mrs. Gravatt's correspondence to Mrs. Ludwig might have been for a prior vacancy at least that was the conversation that he had with Mrs. Ludwig. Mayor Booth stated that he was not going to allow this type of questioning because it had nothing to do with the candidate's qualifications.

Councilmember Nunn replied that this was after Ms. Sonja Headley had resigned.

Councilmember Donahue asked Mrs. Gravatt what she felt the biggest concerns were for the Planning Commission going forward and if she was appointed what would she like to change other than his sign.

Mrs. Gravatt replied that she had not known the sign belonged to him. Mrs. Gravatt stated that she would like to see the Town continue to grow as it has. Mrs. Gravatt advised that it was a beautiful place and people really seemed to like it. Mrs. Gravatt stated that she was just out in the western part of the state and noted that the people there who had passed through Kilmarnock all seemed to remember it. Mrs. Gravatt reiterated that she would like to see the Town continue to grow as it has.

Mayor Booth asked Mr. Abbott if he would like to address Council.

Mr. Travis Abbott introduced himself and noted that it was improperly reported, through no one's fault, that he was employed as a Newport News firefighter but advised that he was actually employed by the Department of Defense as a civil firefighter for the Department of Navy stationed in Norfolk. Mr. Abbott advised that he was born and raised here with the exception of a short stint at college and had lived in Town all of his life which most of his family had as well. Mr. Abbott stated that he really would like to support the Town in responsible growth. Mr. Abbott said that he did not send in a résumé but was open to questions.

Mayor Booth stated that he wanted to apologize because he thought he was the one who may have suggested that he was employed as a Newport News firefighter.

Mr. Abbott replied that was perfectly alright and a common mistake.

Councilmember Donahue asked Mr. Abbott what his concerns were for the Planning Commission and what he thought was a big issue.

Mr. Abbott stated that his biggest issue was responsible growth and the welfare of the businesses in Town which did not necessarily come from the Planning Commission because there were a lot of other committees involved in

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that. Mr. Abbott stated that they had to look down the road a little to see what the potential problems were and address them in advance.

Councilmember Donahue asked Mr. Abbott if he would have the time to serve on the Planning Commission given that he also had a full time job.

Mr. Abbott replied that he believed so.

Mayor Booth thanked Mr. Abbott for his application.

Councilmember Nunn stated that since Council did not have to accept the recommendations of the Planning Commission she would like to hear from the other applicants if they were present.

Councilmember Donahue said that he would like to hear from them too.

Mayor Booth replied that there was certainly nothing wrong with doing that and noted that he did not know the other candidates were present. Mayor Booth asked if Ms. Towner was in the audience and wanted to speak.

Ms. Ann Towner stated that she loved Kilmarnock and her family had lived off of Bluff Point for almost thirty years. Ms. Towner said that she had recently purchased a home in Kilmarnock. Ms. Towner advised that she had 25 years of experience in land use, planning and zoning in another state. Ms. Towner stated that she would love to do her part and participate in community development and block grants. Ms. Towner saw districts and economic development as big issues and thanked Council for the opportunity.

Councilmember Nunn asked Ms. Towner if her experience was based on paid positions.

Ms. Towner replied that it was.

Councilmember Nunn asked Ms. Towner if she was offering to provide these services to the Town for free which generated laughter.

Ms. Towner laughed and replied that she was.

Councilmember Donahue asked Ms. Towner how long she had lived in the community.

Ms. Towner replied that she had been coming here since 1985, lived here since 2008, and purchased a home in Town a few months ago.

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Councilmember Donahue commented to Ms. Towner that she was the lady that he read about in the paper who was grossly over qualified.

Mayor Booth told Ms. Towner that it was a pleasure to meet her and that he appreciated her application. Mayor Booth asked Mrs. Mei Li Beane if she would like to speak. Mayor Booth apologized to Mrs. Beane and stated that he really had not recognized her.

Mrs. Beane laughed and said that it was really her. Mrs. Beane stated that she graduated from William and Mary with a double major in music and history. Mrs. Beane said that she had done a few things other than have children like the newspaper had said which generated laughter. Mrs. Beane advised that she was a kindergarten and music teacher for ten years at Chesapeake Academy. Mrs. Beane stated that she was bilingual and spoke Spanish and English if the Town ever had any issues she could help with.

Mrs. Beane advised that she had been a homeowner in Kilmarnock since 2001, had a young family, and was very interested in the future of the Town. Mrs. Beane said that the children she taught in Chesapeake Academy years ago were grown up, married, and gone. Mrs. Beane said that she saw this often and added that as soon as young people reached 22 or 23 years of age they left. Mrs. Beane stated that Town sidewalks and signage did not have a whole lot to do with that, but in general it was everyone's job to make the Town the best that it could be so that young people stayed. If the Town kept growing, Mrs. Beane added, that would help the businesses, and help Kilmarnock to be a thriving community. Mrs. Beane advised that she was interested in helping with that in any way she could and that was why she applied when she heard about the opening in May from Councilmember Nunn. Mrs. Beane stated that she spoke with Mrs. Ludwig and officially turned in her name for consideration.

Mayor Booth thanked Mrs. Beane for her application.

Councilmember Nunn asked Mrs. Beane if Mrs. Ludwig had ever told her that she would vote for her.

Mrs. Beane acknowledged that Mrs. Ludwig had. Mrs. Beane said that Mrs. Ludwig called her twice and they had very pleasant conversations. Mrs. Beane noted that she had known Mrs. Ludwig for years.

Councilmember Nunn asked Mrs. Beane if Mrs. Beane had told her that she was going to submit her name, had forgotten for a few weeks, but then actually did make contact with Mrs. Ludwig.

Mrs. Beane confirmed that she had forgotten for a few weeks but then remembered and contacted Mrs. Ludwig.

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Councilmember Donahue stated that he had known Mrs. Beane for years and noted that she was more than competent to serve on Town Council or the Planning Commission.

Mayor Booth stated that he would leave how the appointment process was handled to the pleasure of Councilmembers.

Councilmember Donahue advised that any of the four applicants would be a phenomenal asset to the Town of Kilmarnock and thanked each of them for applying.

Councilmember Nunn stated that she would make the motion to go into Closed Session for discussion if she could have a second to compose the wording.

Councilmember Donahue asked if they should hear from the Council applicants and enter into Closed Session one time instead of two.

Councilmember Nunn agreed with Mr. Donahue's idea.

Mayor Booth stated that he did not know if the appointments could be made in Closed Session.

Town Attorney Stamm said that the appointments would not be made in Closed Session but that Council could chat about the applicants in private.

Councilmember Nunn said that if the agenda called for a Closed Session then Council had to go into a Closed Session and commented that they were not going to discuss the applicants with them sitting there.

Mayor Booth wanted to clarify his comments and said that he did not know if a Closed Session was necessarily required in order to fill appointments. Mayor Booth said that he agreed with Councilmember Nunn that it was appropriate to enter into Closed Session because it was on the agenda but did not know if it was necessary. Mayor Booth asked Town Attorney Stamm if that was correct.

Town Attorney Stamm stated that code section 2.2-37.11 listed the topics for which Council could go into Closed Session but nowhere in the Code of Virginia did it state that the body was demanded to go into Closed Session. Town Attorney Stamm said that there was a plethora of other reasons why they should go into Closed Session but the code simply stated that they may go into Closed Session and this would be one of those times.

Mayor Booth felt that it was an appropriate time and just wanted clarification of the code.

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Councilmember Nunn suggested that Council hear from the Council applicants prior to entering into Closed Session.

Mayor Booth advised that all of the applicants were present with the exception of Mr. Spivey who had a previous engagement. Mayor Booth asked applicant Umphlett if she would like to go first.

Mrs. Mae Umphlett stated that she had lived here all of her life. Mrs. Umphlett added that her father was born here in 1928, married her mother and they had lived here for all of their lives. Mrs. Umphlett advised that her grandfather was the first Town police officer here. Mrs. Umphlett said that she had sat on the sidelines for a time looking at the activities of the Town and now that she was 60 she felt that it was time for her to get involved. Mrs. Umphlett stated that she had some new ideas that had not been mentioned before. Mrs. Umphlett said that she felt that she had a lot to offer because she was honest, had integrity, was a professional and was openminded. Mrs. Umphlett advised that she did not mind going to all of the businesses and talking with them to see if they had any ideas as well as the citizens. Mrs. Umphlett noted that she knew everyone on Council with the exception of Mr. Donahue and told him that it was nice to meet him.

Councilmember Nunn asked Mrs. Umphlett if it was true that she managed a medical facility.

Mrs. Umphlett replied that she managed the Chesapeake Medical Group office in Lively.

Councilmember Donahue asked Mrs. Umphlett other than Council's internal problems what did she see for the Town of Kilmarnock.

Mrs. Umphlett said that she did want to see business grow but she also wanted to see businesses go into some of the vacant buildings in Town and spruce it up a little. Mrs. Umphlett said that she wanted to bring more tourism into Town by bussing people into the historic areas so they would stay at the Holiday Inn or the Kilmarnock Inn, eat at the restaurants, and shop at the businesses. Mrs. Umphlett said that she had not seen this happening, and she felt that they were missing the boat on that. Mrs. Umphlett advised that she had concerns about the Bluff Point Development and what impact that would have on Kilmarnock regarding traffic, water level, aquifer, removal of trees, and land disturbance. Mrs. Umphlett said that she was just an open door so that people could call her to talk about problems or concerns.

Councilmember Donahue asked Mrs. Umphlett what was going to happen in May when her position was up for election. Mr. Donahue wanted to know if she would seek re-election if appointed.

Mrs. Umphlett replied that she would.

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Mayor Booth thanked Mrs. Umphlett for her application and asked Mr. Howard Straughan if he wanted to be next.

Mr. Howard Straughan advised that he did not go back as far as Mrs. Umphlett did but added that at his age he was beginning to have just as much medical experience which generated laughter. Mr. Straughan stated that he had served two years on Council and wanted to get back on because he had thoroughly enjoyed it. Mr. Straughan said that he felt they needed to get back to where the Council set the policy, tone, and objectives and let the Town Manager run the Town and not micro-manage everything. Mr. Straughan said that the Town needed more stability and said that he would be glad to add that.

Mayor Booth thanked Mr. Straughan for his application.

Councilmember Nunn stated that Mr. Straughan was extremely helpful to the Town with the tax situation when the Town was going to have to raise taxes to \$.15 per \$100. Mrs. Nunn said that Mr. Straughan came in and helped former Town Manager Burleson go over the budget and he found a way to keep it at \$.10 per \$100. Mrs. Nunn said that Mr. Straughan was very helpful on the Adm/Finance Committee.

Mayor Booth asked Mr. Gravatt if he would like to go next.

Mr. Emerson Gravatt introduced himself and stated that he had lived here all of his life with the exception of trying to make a career of college but added that he finally graduated which generated laughter. Mr. Gravatt said that he served on Town Council under Mayor Edward J. Davis for either two or three terms in the 90's. Mr. Gravatt advised that he had not been to many Town Council meetings since that time and had relied on the Rappahannock Record to find out what was going on and had concerns about the image that was being projected. Mr. Gravatt advised that it was a beautiful town that was alive again. Mr. Gravatt said that when he was a teenager there was nothing going on in Town with the exception of the Fairfax Theatre. Mr. Gravatt reiterated that the Town was alive with activities and he was pleased with where it was today. Mr. Gravatt said that he was asked what he thought was the biggest thing that Council had done wrong and he replied that he did not think they had done anything wrong because the Town was growing. Mr. Gravatt advised that he would like to get back on Council and be a part of the growth, get businesses back into the downtown area, and make it economically feasible for them to open up and stay open.

Mayor Booth thanked Mr. Gravatt for his application.

Councilmember Nunn asked Mr. Gravatt in what year did he decide not to run for Council.

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Mr. Gravatt replied that he was a Councilmember when Mayor Davis retired and he decided to run for Mayor along with Curtis Smith and Mike Robertson. Mr. Gravatt advised that he and Mr. Smith split the vote and Robertson won.

Councilmember Nunn asked Mr. Gravatt if he remained on Council after that.

Mr. Gravatt replied that he did not.

Councilmember Nunn stated that she understood and commented that he left the Council to run for Mayor.

Mr. Gravatt replied that was correct.

Councilmember Donahue said that he was not qualified to judge Mr. Gravatt. Mr. Donahue advised that Mr. Gravatt could sit in any Council chair there because he had done it for decades. Mr. Donahue stated that he had known Mr. Gravatt for 15 years and added that he was more than qualified to serve in any capacity for the Town of Kilmarnock.

Mayor Booth asked Mr. Denis Bouslough if he was ready to speak.

Mr. Denis Bouslough advised that this was an exciting meeting because there were so many great candidates for the vacant positions and added that it was encouraging for the Town. Mr. Bouslough commented that there was a lot of interest in the Town. Mrs. Bouslough said that his interest in the Town started back in 2001 when he was looking for a home to purchase and found one in Kilmarnock. Mr. Bouslough advised that he moved here permanently in 2006. Mr. Bouslough said that at that time he was really elated at what had occurred downtown. Mr. Bouslough stated that he was a retired lieutenant colonel from the Air Force and from the Central Intelligence Agency. Mr. Bouslough advised that he had worked with people from all various circumstances. Mr. Bouslough stated that during that period he worked for the national recognition office where he was responsible for managing multimillion dollar defense contracts so he had some experience working with money in that regard. Mr. Bouslough advised that in the CIA arena he had the privilege of working with approximately 400 people where he encountered all types of circumstances such as people problems and people issues that he had to work through. Mr. Bouslough said that between the Air Force, the CIA, and the NRO the one thing that he came away with was to never run from a problem but to run to it. Mr. Bouslough stated that if the Town had issues that needed to be worked on he certainly wanted to involve himself in those. Mr. Bouslough said that his first introduction to the Town Council was through Councilmember Nunn who advised that there was a vacancy and that he might want to consider it. Mr. Bouslough said that up until that time he had not seriously considered serving on Council but since that time this was his third application. Mr.

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Bouslough stated that he was definitely interested in the Town, the success of the Town, the health of the business community in the Town, and the health of the individual citizens of the Town. Mr. Bouslough advised that there looked to be a lot of great applicants for the Planning Commission and Council. Mr. Bouslough paraphrased what Planning Commission Member Lindsay Gardner had told him which was when the time came for her to run again, she would, and may the best man or woman win. Mr. Bouslough said that he felt the same way. On a final note, Mr. Bouslough advised that one of the items on his list that he felt would help him with the Town environment was that he was president of the Hampton House Condominiums for five years which was a volunteer position. Mr. Bouslough said the association was like a micro-town where he was responsible for the health and welfare of all the individuals there in terms of the buildings, the environment, etc. Mr. Bouslough recalled there being a lot of people issues between neighbors, paving issues, sidewalk issues, structural issues, budget issues, and what he found was that there were many more issues to be paid for than there was money to be paid out. Mr. Bouslough said that taught him to prioritize issues and use the money where they would get the most success. Mr. Bouslough said that he was employed as an independent contractor with Raytheon Corporation which is a defense contractor, and he worked three days a week with a flexible schedule that he could manipulate if there was an issue in the Town. Mr. Bouslough finalized by saying that what he had to offer was the experience that he had listed.

Councilmember Nunn asked Mr. Bouslough if he worked at home.

Mr. Bouslough replied that he did not.

Councilmember Nunn asked Mr. Bouslough where he had to go for his work.

Mr. Bouslough replied that he went to a classified facility which generated laughter. Mr. Bouslough said that he traveled.

Councilmember Nunn asked Mr. Bouslough if he was enjoying his tenure on the Planning Commission.

Mr. Bouslough replied that he was.

Councilmember Nunn asked if he would rather move on to Council.

Mr. Bouslough said that he would willingly do that.

Councilmember Nunn commented that then they would have to have another Closed Session to elect another Planning Commission Member.

Mr. Bouslough said that he thought that they were moving in a positive direction and noted that they had some issues, but as far as he was

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concerned there were no unsolvable issues on the Planning Commission or Council.

Councilmember Nunn thanked Mr. Bouslough.

Councilmember Donahue asked if Councilmember Nunn had recommended him for this position.

Mr. Bouslough said that she did not recommend him for the position but told him of the vacancy.

Councilmember Donahue asked Mr. Bouslough if he had said that he had submitted an application for Council three times.

Mr. Bouslough replied that he did.

Councilmember Donahue asked Mr. Bouslough what he thought about the third time.

Mr. Bouslough replied that he would like to think that the third time was a charm which generated laughter.

Councilmember Donahue said that he thought Councilmember Nunn was going down the path about Mr. Bouslough traveling for work and asked if he would be able to make the committee meetings because they were now keeping score of who was and was not in attendance.

Mr. Bouslough advised that he had every intention of making the meetings.

Councilmember Donahue asked Mr. Bouslough what he thought the big challenge or number one issue was if he had to fly a big banner.

Mr. Bouslough replied to make the Town a success in all areas such as business, the safety and health of the citizens themselves, the demeanor at the Council meetings and for the Planning Commission and Town Council to work well together.

Mayor Booth advised that he thought they were fortunate in having a great crop of applicants. Mayor Booth said that the exchange they had tonight was wonderful. Mayor Booth thanked everyone for putting themselves on the line and wished them good luck.

Councilmember Donahue advised that he thought that Council should make a comment on Mr. Les Spivey since he was unable to attend the meeting. Mr. Donahue said that he had known Mr. Spivey for 10 to 15 years and

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added that Mr. Spivey had worked for him for several years, parting on good terms. Mr. Donahue thought Mr. Spivey would be a phenomenal asset to the Town of Kilmarnock and should be given due consideration for the Town Council position even though he could not be at the meeting. Mr. Donahue stated that almost everyone in the room had worked with Mr. Spivey and knew that he did his due diligence and homework. Mr. Donahue said that Mr. Spivey was sharp, analytical, and would bring a certain balance to the Council in areas such as administration. Mr. Donahue said that he had not talked with Mr. Spivey since he had submitted his application and advised that his comments were unsolicited and just his personal opinion.

Mayor Booth said that Mr. Spivey's absence was an anomaly because he was almost always present at the Council meetings but noted that Mr. Spivey did have an obligation to meet and could not be present.

Councilmember Nunn advised that Mr. Spivey had to check on his mother-in-law in Florida who was 98 years old.

Vice-Mayor Smith stated that he took the initiative to meet with the candidates on a one-on-one basis. Mr. Smith advised that he knew some better than others and wanted the feel for what each candidate could bring to the table that would make the Council and the Town stronger. Mr. Smith said that he was appreciative that even though there was a cloud of negative for lack of a better word amongst Council today that there were five candidates who wanted to join. Mr. Smith advised that he had sat on the appointment process side twice and added that he was not a fan of it because at the end of the day the decision should be the choice of the citizens. Mr. Smith stated that the applicants should keep in mind that any appointments would be temporary because the positions would go up for election in May. Mr. Smith said that he hoped to see all five of the applicants' names on the ballot then.

Mayor Booth told the audience that the Council was going to take a brief recess and then enter into closed session.

B. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel matter involving consideration of candidates for employment or appointment.

**ACTION: Councilmember Nunn made a motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel matter involving consideration of candidates for employment or appointment, seconded by Vice-Mayor Smith; and carried unanimously.**

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

Council entered into Closed Session at 8:35 pm.

Regular Meeting reconvened at 8:58 pm.

C. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (1) Personnel matter involving consideration of candidates for employment or appointment.

**ACTION:** Councilmember Nunn made a statement certifying that in the Closed Session just concluded nothing was discussed except the matter or matters (1) specifically identified in the motion to convene in Closed Session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Statement was unanimously supported by a roll call vote.

Booth, Raymond C., Jr. – yes

Donahue, Shawn – yes

Jones, Paul S. – yes

Nunn, Rebecca T. – yes

Smith, William L. – yes

D. Action Items: Appointments

**ACTION:** Councilmember Nunn made a motion to appoint Mrs. Joan Gravatt to fill the vacancy on the Kilmarnock Planning Commission, seconded by Vice-Mayor Smith; and carried unanimously.

Mayor Booth welcomed Mrs. Gravatt to the Kilmarnock Planning Commission.

Mrs. Gravatt stated that she looked forward to serving.

**ACTION:** Vice-Mayor Smith made the motion to appoint Mr. Denis Bouslough and Mrs. Mae Umphlett to fill the vacancies on the Kilmarnock Town Council, seconded by Councilmember Donahue; and carried 3 votes to 1 in favor of (Councilmember Jones opposed)

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Mayor Booth welcomed Mr. Bouslough and Mrs. Umphlett to the Kilmarnock Town Council.

Councilmember Jones advised that he was not voting against either one of the candidates in particular. Mr. Jones felt that each candidate should have been voted on separately to fill the vacant seats and that was why he voted the way he did.

Councilmember Nunn congratulated the appointees and stated she knew that they would take their new positions seriously. Mrs. Nunn told them she hoped that they would do their homework and research, read the monthly packets in their entirety including the minutes of the previous meeting so that they could make any corrections, deletions or additions, and most importantly that they, like those Councilmembers elected, make their first allegiance to the betterment of the Town and second allegiance to be responsive to the citizens of the Town. Mrs. Nunn advised the newly appointed Councilmembers that they did not owe any allegiance to Members of Council but to the Town Charter, the Code of Virginia, and the Constitution of the United States all of which they would be sworn to uphold. Mrs. Nunn asked them to always vote their conscience and their heart and not base their decision on personalities and to refrain from any coercion to vote a certain way.

## **10. Council Comments**

There were no Council Comments.

Town Manager Saunders asked Mayor Booth if he wanted to make any committee appointments or did he want to leave that for another date.

Mayor Booth said that he was surprised that he would ask him that question with new Councilmembers just being appointed, and he did not know how he could be expected to have that ready.

Town Manager Saunders said that he did not expect it but just wanted to give him a reminder in case he had overlooked it.

Mayor Booth stated that the answer was "no".

## **11. Adjournment**

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

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Meeting adjourned at 9:03 pm

Prepared by:

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Joan N. Kent

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Raymond C. Booth, Jr., Mayor

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Jacqueline L. Blencowe, Clerk