

July 20, 2009

**KILMARNOCK TOWN COUNCIL
Monday, July 20 2009
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

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

Dr. Curtis H. Smith, Mayor
Paul Jones, Vice-Mayor
Gary L. Anderson

Barbara Robertson
Rebecca Nunn
Howard Straughan

Members Absent:
John A. Smith

Staff Present:
Tom Saunders, Town Mgr.
Marshall Sebra, Zoning Adm., Asst. Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Susan Cockrell, Community Dev. Strategist
Jackie Blencowe, Town Clerk
Joan Kent, Transcriber
M. S. Bedell, Chief of Police

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

2. Acceptance and Approval of Agenda

Mayor Smith requested that the agenda be amended to include a request for a letter of support for Kilmarnock Scotland, which he would explain following his presentation.

ACTION: Councilmember Nunn made a motion to accept the agenda for the July 20, 2009 Town Council meeting as amended, seconded by Councilmember Straughan; and carried unanimously.

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3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held June 15, 2009 and the Special Town Council Meeting held June 23, 2009.

Councilmember Nunn noted that the word “perhaps” had been left out of a sentence at the bottom of page 3 of the Regular Town Council Meeting minutes. The sentence should read “Mrs. Nunn continued by saying that Sections 48.1 through 48.6 of the Virginia Code were ‘perhaps’ the best solution yet....”. Mrs. Nunn requested a second correction on page 7 of the Regular Meeting minutes showing that the cost of the flowers for the medians was \$484.56 instead of \$464.50.

ACTION: Councilmember Straughan made a motion to approve the June 15, 2009 Regular Town Council Meeting Minutes with the above amendments/corrections, seconded by Councilmember Anderson; and carried unanimously.

ACTION: Councilmember Anderson made a motion to approve the June 23, 2009 Special Town Council Meeting Minutes as presented, seconded by Councilmember Nunn; and carried unanimously.

4. Public Comments:

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

There were no public comments.

5. Presentations

A. Resolution in recognition of Lawson P. Schools for his life and years of service to the Town.

Mayor Smith sought approval of a resolution honoring Mr. Lawson P. Schools, after the fact. Mayor Smith advised that the presentation was made during the reception following Mr. Schools’ funeral while all of his family members were present. Mayor Smith noted that he, Councilmember Robertson, Councilmember Smith, Town Manager Saunders, and Town Clerk Blencowe were there as well as Councilmember Nunn who read the resolution. A copy of the resolution was included in each Councilmember’s packet.

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ACTION: Councilmember Nunn made a motion to approve the resolution as presented honoring Lawson P. Schools for his life and years of service to the Town, seconded by Councilmember Straughan; and carried unanimously.

B. Presentation by Mayor Smith: Representative for Kilmarnock, VA, at Homecoming Scotland 2009

Mayor Smith gave a fascinating presentation regarding his visit to Kilmarnock Scotland as part of Scotland's yearlong celebration honoring the 250th anniversary of Robert Burns' birth. Mayor Smith explained that East Ayrshire invited its twin towns or sister cities for a visit and paid all of the expenses with the exception of airfare. Mayor Smith advised that those towns/cities that attended were Joue les Tours in France, Kulmbach in Germany, Santa Coloma de Gramenet in Spain and Kilmarnock, Virginia, USA. Mayor Smith stated that the visit lasted from May 20 through May 23, 2009 during which time he and the others toured Diageo in Kilmarnock where Johnnie Walker whisky is produced, the Dean Castle, the County Park, the Robert Burns Monument Centre in Kay Park, the Dick Institute and the Barony A Frame which was the site of the Scottish mining disaster. They also attended the Mauchline Holy Fair which was held in tribute to the poem 'The Holy Fair' written by Robert Burns and had dinner at the Dumfries House which was built between 1754 and 1760 for the 5th Earl of Dumfries. Mayor Smith found his trip to be fascinating and educational although somewhat exhausting. Mayor Smith urged anyone who had the opportunity to visit there to do so. Mayor Smith provided Councilmembers and staff with souvenirs.

Mayor Smith reported that the Johnny Walker distillery, which is the largest employer in Kilmarnock Scotland, had made the decision to close down its facility in Kilmarnock Scotland. Mayor Smith stated that Kilmarnock Scotland had requested a letter of support from the Town of Kilmarnock asking that the distillery rescind their decision.

ACTION: Councilmember Nunn made a motion to send a letter of support to Kilmarnock Scotland asking for the reversal of the decision to close the Johnny Walker distillery, seconded by Councilmember Anderson; and carried unanimously.

C. Planning Commission Report: Councilmember Anderson, Council Liaison

Councilmember Anderson reported that Assistant Town Manager Sebra had given an excellent presentation on the Chesapeake Bay Preservation Act Ordinance which had received full support from the Planning Commission. Mr.

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Anderson advised that the Planning Commission also applauded the Town for going after and receiving the 1.4 million dollars of CDBG funding for the Mary Ball Road project. Mr. Anderson finalized by saying that the Planning Commission had recommended that Steve Bonner be reappointed for service since his term expired in September of 2009. If reappointed, Mr. Bonner's new term will expire in September of 2013.

ACTION: Councilmember Nunn made a motion to reappoint Steve Bonner to serve on the Kilmarnock Planning Commission, seconded by Councilmember Straughan; and carried unanimously.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Anderson, Chair

1) Report from July 1, 2009 Meeting

A copy of the committee notes from the meeting was included in each Councilmember's packet. Town Manager Saunders gave a brief overview of those notes.

2) Draft of Understanding Your Water & Sewer System Pamphlet

Councilmember Anderson provided each Councilmember with a draft of the first pamphlet from a series that would be published by the Department of Utilities for customers explaining the Town's water and sewer system and the process involved.

Councilmember Nunn suggested having a second open house and allowing citizens to come to the WWTP for a tour. Mrs. Nunn thought it would be a good idea to mail the pamphlets out with the water bill.

Mayor Smith stated that he received complaints from some citizens that the print on the water bills, especially the Town's post office box number in the return address, was so tiny that they had difficulty seeing it and he asked staff to keep that in mind before ordering new forms.

3) Committee Recommendations to Council

a. Recommend that the contract for Hospital Well #3 be awarded to Gammon Well Co. of Providence Forge, VA, for the amount of \$120,853.

ACTION: Councilmember Straughan made a motion to

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award the contract for Hospital Well #3 to Gammon Well Company of Providence Forge, VA, for the amount of \$120,853, seconded by Councilmember Nunn; and carried unanimously.

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

1) Report from July 2, 2009 Meeting.

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

2) Merchant Complaint Regarding Holiday Flags

Councilmember Nunn advised that Mr. Watson, owner of the Shoe Store, complained because there were no U.S. Flags on West Church Street celebrating the 4th of July holiday. Mrs. Nunn said that she, Vice-Mayor Jones, and Community Development Strategist Susan Cockrell had decided that flags would only be placed at the North and South ends of Main Street so they would be visible to traffic entering the Town on Route 3, as well as on East Church Street and Irvington Road so they would be visible to traffic entering the Town on Route 200. Mrs. Nunn stated that she visited with Mr. Watson and explained to him why the flags had only been displayed at those locations. However, Mr. Watson said that there had been flags placed in front of his store before. Mrs. Nunn advised that there were brackets on the poles on West Church Street but under closer inspection she found that they were old and no longer approved by Dominion Virginia Power. Mrs. Nunn stated that if the policy changed and flags were put on West Church Street then the Town would be obligated to accommodate everyone else who wanted them on their street.

Councilmember Robertson advised that there were eleven or twelve flags on East Church Street and asked why they couldn't be divided with West Church Street.

Councilmember Nunn replied that the Town did not have permission from Dominion Virginia Power to put flags on West Church Street.

Vice-Mayor Jones reiterated that East Church Street was a main entrance into the Town, whereas West Church Street was not. Mr. Jones advised that if the Town put flags on West Church Street to accommodate Mr. Watson then the Town would have to put flags on Waverly Avenue, Augusta Street, School Street, etc.

Councilmember Robertson commented that the Town didn't have to put eleven flags on one street and said that they could have stretched them out.

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Vice-Mayor Jones felt that it wouldn't be fair for the Town to change everything to accommodate one person. Mr. Jones said that they had flags left over but were saving them to replace the ones that were damaged this year because there was no money left in the budget for replacements.

Mayor Smith asked how much the flags cost.

Vice-Mayor Jones replied that they had cost between \$40 and \$50 apiece and stated that he was sorry if Mr. Watson felt slighted but noted that Mr. Watson got the first pick of Christmas decorations every year before the other merchants did.

Councilmember Nunn said that Mr. Watson also told her that he did not want West Church Street closed to traffic during the First Friday Walkabouts because it hurt his business. Mrs. Nunn said that Mr. Watson stated that the handicapped and the elderly need to park as close as they can to the store entrance and when the street is closed they are prevented from doing so.

Community Development Strategist Susan Cockrell stated that the rationale of moving Steptoe's Walkabout Activities from Augusta Street to West Church Street was the quality of the pedestrian walk since West Church Street had the new sidewalks, new street beautification, and a wider street which was more conducive to band entertainment and foot traffic. Ms. Cockrell noted that Mr. Watson closed his business at 5 pm daily and the street was closed at approximately 3:30 pm for the event. Ms. Cockrell advised that traffic was allowed to enter West Church Street off of School Street to gain access to the Municipal parking lot. Ms. Cockrell also stated that the handicap accessible parking places in that parking lot were always available and open during the First Friday Walkabouts.

Mayor Smith advised that he agreed with Vice-Mayor Jones and Councilmember Nunn's assumption concerning the flags but noted that on the flip side it probably would not have hurt to put at least one flag up in front of Mr. Watson's store. Mayor Smith said that he also got a similar complaint from Shawn Donahue concerning his businesses in the Steptoe's area.

Councilmember Nunn replied that there were no brackets on the poles in the Steptoe's area; therefore, no flags could be displayed. Mrs. Nunn said that was why the little flags were tastefully placed throughout the medians, which she felt was very festive.

Mayor Smith commented that he felt that the Town was splitting hairs over a 50-dollar flag.

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Ms. Cockrell said that every flag was placed at the direction of Council and, if Council desired any changes to be made, she would do her best to get permission from Dominion Virginia Power regarding added locations.

2. Committee Recommendations to Council

a. Recommend that the Town adopt a Memorial Christmas Decoration Program

In regards to the Town's Christmas decorations, Councilmember Nunn advised that Ms. Cockrell and Franklin Carter had finished the inventory and noted that the Town was in need of some new decorations. Mrs. Nunn suggested to Council that they consider adopting a program allowing citizens to purchase a decoration in honor of a loved one and donate it to the Town. Mrs. Nunn noted that the citizen would have a choice of purchasing ~~*a wreath in the amount of \$400,~~ a banner in the amount of \$100 or a bow set in the amount of \$120. A memorandum booklet would be kept and displayed at the Kilmarnock Museum with each person's name listed in it. Mrs. Nunn advised that Town resident Carolyn Delano had brought this idea to her attention.

ACTION: Councilmember Nunn made a motion to adopt the Memorial Christmas Decoration Program, seconded by Vice-Mayor Jones; and carried unanimously.

b. Recommend spending up to \$1,500 for crushed stone and grading to repair Cralle Court parking lot and to investigate a long-term solution to drainage problems on that lot.

Town Manager Saunders advised that the committee was recommending a short-term solution to the potholes in the Cralle Court parking lot which was to put two to three loads of crush and run on it and have it graded. The cost for this was estimated at \$1,500. Mr. Saunders suggested that the Town might want to consider a long-term fix of paving the parking lot in the future to get out of the cycle of having to spend money on it every other year. Mr. Saunders advised that there were still questions regarding who actually owned the alley and the right of way, which would have to be investigated further before moving forward with a permanent solution.

Vice-Mayor Jones advised that he thought that it was going to cost more than \$1,500 and suggested that \$2,500 be allotted for the project.

ACTION: Councilmember Straughan made a motion to allot the sum of \$2,500 for crushed stone and grading to repair Cralle Court

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parking lot, seconded by Councilmember Nunn; and carried unanimously.

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

1. Report from July 13, 2009 meeting.

Vice-Mayor Jones advised that a copy of the monthly police report and a copy of the committee meeting notes were included in each Councilmember's packet.

D. Emergency Preparedness Committee: Councilmember Anderson, Chair

1. Report from July 13, 2009 meeting.

Councilmember Anderson reported that it was a short meeting, which involved a discussion concerning communication systems and the Town's water towers. A copy of the committee meeting notes was included in each Councilmember's packet.

E. Economic Development Committee: Councilmember Smith, Chair

Deferred due to Councilmember Smith's absence.

F. Administration/Finance Committee: Vice-Mayor Jones, Chair

1. Report from July 8, 2009 meeting.

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

2. Committee Recommendations to Council

a. Recommend design and construction of a sidewalk along Town Centre Drive from Church Street to Main Street.

Councilmember Straughan stated that the committee would like to proceed with the plan and design of a sidewalk along Town Centre Drive to Church Street from Main Street.

Mayor Smith asked if the committee was recommending that the sidewalk go all the way around or just to the bowling alley.

Councilmember Straughan replied that the committee suggested that the sidewalk go all the way around since there would be an increase in foot

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traffic once the bowling alley opened. Mr. Straughan noted that the big cost in the project would come from having to pave over the ravine if necessary but stated that this was something that could not be determined until the engineer was hired.

Mayor Smith asked Town Manager Saunders if he had received any prices.

Town Manager Saunders replied that Mr. Rosenbaum of Progress Engineers, P.C. gave a cost estimate of \$108,000 for Town Centre Drive, a copy of which was included in each Councilmember's packet. Mr. Saunders said that it had come to his attention that there would be no sidewalk on the bowling alley side of Town Centre Drive because Mr. Donahue did not include it in his plans or budget. Mr. Saunders asked if the Town would consider adding 200 feet of sidewalk from Main Street to the bowling alley parking lot on that side of Town Centre Drive since there would be a definite increase in foot traffic.

Mayor Smith stated that if a sidewalk was placed on the Town Centre side of Town Centre Drive then it might have to be torn out when construction started on the Town Hall because VDOT would require the Town to widen that area.

Town Manager Saunders said that foot traffic traveling to the bowling alley would more than likely be on the same side of the street as the building was.

Mayor Smith noted that children would most likely be going there in the afternoons after school and shouldn't have to cross the street.

Councilmember Anderson suggested that the engineer give a design proposal and cost estimate for each of the alternatives.

Town Manager Saunders sought Council's permission to consult with VDOT regarding easement issues.

No action was taken on the recommendation.

b. Recommend that Council approve the disbursements from June 15, 2009 to July 20, 2009.

ACTION: Vice-Mayor Jones made a motion to approve the disbursements from June 15, 2009 to July 20, 2009, seconded by Councilmember Robertson; and carried unanimously.

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c. Recommend adopting resolution to add Howard Straughan and Tom Saunders to the list of those authorized to sign checks.

Vice-Mayor Jones suggested that if Town Manager Saunders was given authorization to sign checks then Assistant Town Manager Sebra be removed from the list. Mr. Jones felt that it was important to have one Councilmember's signature on each check. In his opinion, Mr. Jones said that either one or the other of them should be able to sign checks but not both of them.

Town Manager Saunders advised that there would be circumstances when he would not be available and locating two Councilmembers to sign a check had sometimes proved to be a hardship.

Councilmember Nunn recommended that both the Town Manager and Assistant Town Manager be given authorization to sign checks but that only one of their signatures could appear on a check at one time. The second signature would have to be that of an authorized Councilmember.

ACTION: Councilmember Nunn made a motion to adopt a resolution to add Councilmember Straughan and Town Manager Saunders to the list of those authorized to sign checks, and further moved that for each check written there must be at least one authorized Councilmember's signature present and at no time will the Town Manager and Assistant Town Manager sign the same check, seconded by Councilmember Anderson; and carried unanimously.

7. Administrative Comments and Reports: Tom Saunders, Town Manager

A. Internet Provider Progress Update

Town Manager Saunders reported that progress was being made but the Wastewater Treatment Plant was currently without service.

B. Demolition of Accessory Building on Town Property

Town Manager Saunders reported that the electrician would be meeting with Dominion Virginia Power concerning the switch of electric service and then the demolition would begin. Mr. Saunders said that the inspection of the building had been completed, and it was determined that there was no asbestos present.

C. Annual Water Quality Report

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Town Manager Saunders reported that the Annual Water Quality Report was mailed out to customers before the end of June and right on schedule thanks to staff members Cindy Balderson and James Seagle.

D. Mary Ball Road Improvement Project Grant Funding Approval: Asst. Town Mgr. Sebra

Assistant Town Manager Marshall Sebra reported that the Governor had awarded the grant funding to the Town for the Mary Ball Road Improvement Project and noted that everyone involved was very excited. Mr. Sebra advised that a meeting had been scheduled in August at the Kilmarnock Town Hall with the Department of Housing and Community Development to outline the next steps in the process.

E. New Town Website Update: Comm. Dev. Strategist Cockrell

Community Development Strategist Susan Cockrell reported that the Town's website redevelopment had been underway for the past several months. Ms. Cockrell stated that the website was in transition from the current ISP to the new ISP and that the revamped kilmarnockva.com should be up and running by Friday.

F. Wal-Mart to be open 24 hours Thanksgiving Night to avoid Black Friday Incidents.

Town Manager Saunders advised that Wal-Mart had asked for permission to be open for 24 hours on Thanksgiving to avoid any Black Friday incidents. Mr. Saunders said that in consulting with the Town Attorney he found that there was nothing that the Town could do to stop them even if they wanted to but stated that he did appreciate them letting him know in advance.

G. Police Performance

Town Manager Saunders commended Police Chief Bedell and his officers on how they handled the mass influx of traffic during Lawson P. Schools' funeral.

H. Repair of Main Street Median

Town Manager Saunders stated that he had received approval from VDOT on the Town's plan to repair the median closest to Irvington Road.

8. Old Business

A. KVFD Request for Property off School Street: Engineer's Evaluation and Staff's Recommendation

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Town Manager Saunders gave a brief overview of a map depicting the property requested by KVFD, which showed a gravity sewer and a force main that serviced much of the Town. Mr. Saunders said that he felt that the fire department needed the extra property in order to expand and to provide the Town with services but unfortunately, due to the mechanical nature of the lift station involved, it was staff's recommendation that the Town allow the fire department to expand only to the existing edge of the concrete slab. Mr. Saunders said that it was a tough situation because everyone wanted to do what they could to help the fire department but at the same time the lift station was a vital element in the Town's wastewater system and, if boxed in too tight, the Town could find itself in trouble if there had to be any major repairs or additions made to it.

Mayor Smith asked who owned the additional lot above the fire department.

Town Manager Saunders replied that it was a part of the Kilmarnock Glens Development which when completed would put the burden of approximately 400 more residences on that lift station.

Mayor Smith asked if it would be possible to acquire a piece of land from them for a lift station therefore freeing up the other land for the fire department.

Town Manager Saunders replied that the Town could require Kilmarnock Glens to do so as part of their conditions to build the housing development.

Vice-Mayor Jones asked if the Town allowed the fire department to go to the edge of the concrete would that be enough land for them to do what they had to do.

Town Manager Saunders replied that it would be pretty close and they could possibly make it work.

Vice-Mayor Jones asked if the Town could give the fire department the land up to the concrete slab for any buildings they wanted to add and then allow them to use the additional property for parking, etc. until the Town needed it.

Town Attorney Stamm stated that foremost the Town did not want to get itself in a jam. Mr. Stamm said that for now he would suggest that the fire department be given land up to the concrete slab for any buildings and to lease in the amount of \$1 any additional land for the time being for parking until it was clear what was going to happen with Kilmarnock Glens.

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Councilmember Anderson stated that he did not feel that it was right to compromise the integrity of the rest of the citizens that were serviced through that facility and noted that there was a reality that something could really go wrong there. Mr. Anderson wanted a little more information from Mr. Rosenbaum before any commitments were made. In order for the Town to protect itself and its citizens, Mr. Anderson felt that more facts were needed in order to make an intelligent decision.

Town Manager Saunders said that the fire department could probably use more time in order to get their plans together.

B. Buzzell Lawsuit Resolution

Town Attorney Stamm advised that the Buzzell's lawsuit against the Town had been dismissed.

C. Deihl Lawsuit Update

Town Attorney Stamm advised that the Deihl lawsuit against the Town was scheduled for September 29, 2009 at 9:00 AM but had been continued with no new date set as of yet.

9. New Business

A. Election/Appointment of President Pro Tempore (Vice-Mayor)

Mayor Smith asked for nominations for the Vice-Mayor position.

Councilmember Straughan nominated Councilmember Paul Jones to continue to serve as Vice-Mayor.

Mayor Smith asked if there were any other nominations.

Hearing none, Mayor Smith called for discussion and/or action.

ACTION: Councilmember Straughan made a motion to reappoint Vice-Mayor Jones to continue to serve as Vice-Mayor of the Town of Kilmar-nock, seconded by Councilmember Robertson; and carried unanimously.

B. Committee Appointments: Mayor Smith

Deferred until the August Council meeting.

10. Council Comments

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Councilmember Nunn reminded Mayor Smith that a Special Council Meeting needed to be scheduled for discussion of performance evaluations in Closed Session.

Mayor Smith asked Town Manager Saunders to consult with Councilmembers and find an agreeable date to schedule the Special Meeting for that purpose.

11. Dates to Remember

The Town Centre Committee meeting has been rescheduled to August 12, 2009, at 4:00 or 4:30 pm. immediately following the Economic Development Committee which is scheduled for 3:00 pm.

12. Adjournment

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

Meeting adjourned at 8:45 pm

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk

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