

September 17, 2012

**KILMARNOCK TOWN COUNCIL
Monday, September 17, 2012
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

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

Raymond C. Booth, Jr., Mayor
Emerson Gravatt, Vice-Mayor
Shawn Donahue
Rebecca T. Nunn

William L. Smith
Howard Straughan
Mae P. Umphlett

Staff Present:

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

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

2. Acceptance and Approval of Agenda

Councilmember Smith requested that the adoption of resolutions recognizing the service of Jane Ludwig and Dave Reedy be moved up to Section 4 Public Comments and Presentations. Mr. Smith also asked that a Closed Session be held as allowed by FOIA 2.2-3711(A) Para(3) for discussion or consideration of the acquisition of real property for a public purpose or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body under Section 9, New Business.

ACTION: Councilmember Nunn made a motion to approve the September 17, 2012 Town Council Meeting Agenda with the above amendments, seconded by Councilmember Straughan; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held August 20, 2012.

ACTION: Councilmember Nunn made a motion to approve the August 20, 2012 Town Council Meeting Minutes as presented, seconded by Councilmember Smith; and carried unanimously.

4. Public Comments and Presentations:

A. Public comments:

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.

There were no public comments.

B. Presentations:

Mayor Booth stated that there were two Resolutions in Appreciation for years of service on the Kilmarnock Planning Commission for Dave Reedy and Jane Ludwig. Mayor Booth noted that neither were in attendance and asked for a motion to adopt the resolutions.

ACTION: Councilmember Nunn made the motion to adopt the Resolutions in Appreciation for years of service on the Kilmarnock Planning Commission for Dave Reedy and Jane Ludwig, seconded by Councilmember Straughan; and carried unanimously.

5. Planning Commission Report: Shawn Donahue, Council Liaison

Councilmember Donahue stated that the most significant thing that happened was the placement of the new Planning Commission Members on Board. Mr. Donahue said that there were no matters discussed before the public.

6. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from September, 2012 Meeting

September 17, 2012

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

Councilmember Nunn advised that Town Manager Saunders reported that the proposed Waverly Avenue and Chase Street sewer line upgrades were still in the hands of the contractors. Mrs. Nunn added that work was proceeding but they were still in the process of obtaining the easements that were needed. Mrs. Nunn stated that Town Manager Saunders reported that the replacement aerator arms for the reactor tanks at the WWTP had been ordered and would be delivered soon. Mrs. Nunn said that the existing arms had become fragile due to corrosion from being constantly immersed in the activated sludge tanks and hadn't been replaced since 1997. Mrs. Nunn reported that Town Manager Saunders advised the Committee that a 4" water main at the intersection of Lloyd Lane and Waverly Avenue had failed recently but had been repaired. Mrs. Nunn said that the leak had occurred under the street which made it a complicated situation. Mrs. Nunn advised that a crew from Southern Corrosion, Inc. arrived on the site of the Radio Well and had begun the process of pressure washing and painting the tank. Mrs. Nunn finalized by saying that Pat Chenoweth reported that the WWTP was continuing to operate well within the DEQ permit limits.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from September, 2012 Meeting

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

Councilmember Donahue stated that Town Manager Saunders addressed the issue of sidewalks from Tartan Village to the Steptoe's area. Mr. Donahue advised that further evaluation was needed on that project. Mr. Donahue stated that election signs continued to be an issue and that staff was looking into what direction should be taken in the future as far as the number of local election signs a person could have. Mr. Donahue reported that the playground issue seemed to be under control and that for now the picnic tables would not be returned. Mr. Donahue said that the issue regarding handicapped parking on Main Street continued to pose a problem. Mr. Donahue added that Town Manager Saunders was working with VDOT to see if there were places on Main Street where additional handicapped parking could be put. Mr. Donahue advised that Assistant Town Manager Susan Cockrell had done a phenomenal job regarding the hanging baskets on Main Street and was continuing to work on that project. Mr. Donahue stated that the Committee had discussed what could be done with

September 17, 2012

derelict structures within the Town and was working with the County so that they both could adopt the same policy. Mr. Donahue finalized by saying that Assistant Town Manager Cockrell was working on having pansies planted on Main Street.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

There was no meeting held during the month of September.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

There was no meeting held during the month of August.

E. Town Centre Committee: Councilmember Straughan, Chair

1) Report from September, 2012 meeting

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

Councilmember Straughan advised that the Committee met in Closed Session as allowed by FOIA 2.2-3711 (A) Para (3) regarding the discussion or consideration of the acquisition of real property.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from September, 2012 Meeting.

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

Vice-Mayor Gravatt advised that the Committee discussed the status of new and exiting businesses. Mr. Gravatt stated that Northern Neck Ace Hardware had its Grand Opening on Friday September 14th. Mr. Gravatt noted that there was good representation from the Town and that the Mayor gave an excellent welcome speech. Mr. Gravatt stated that some meetings with the local businesses regarding economic development had taken place which resulted in mixed feelings. Mr. Gravatt added that they were going to continue to develop the plans within the Committee and examine the recommendations. Mr. Gravatt stated

September 17, 2012

that everyone was in agreement that the website needed to be updated with better tourism features. Mr. Gravatt said that the business community would start giving their input on this issue in October which he hoped would give staff a clearer direction regarding the website. Mr. Gravatt advised that the Committee was given an update on the Grey's Point program. Mr. Gravatt finalized by saying that the Virginia Tourism Corporation's annual conference would be held in Richmond on October 24th and 25th. Mr. Gravatt stated that Assistant Town Manager Cockrell would be in attendance both days and he would be attending on the 25th.

2) Committee Recommendations to Council

There were no recommendations made to Council.

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from September, 2012 meeting.

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

Councilmember Smith stated that the Committee had been working on the roles and responsibilities for each subcommittee for the past few months. Mr. Smith advised that a draft of the roles and responsibilities was sent out to each member, tweaked, and sent back for the final draft. Mr. Smith reported that the Committee had approved the final drafts and were now bringing them before Council for approval. Mr. Smith stated that the Committee also discussed appropriate decorum for comments and feedback by elected officials on efforts of staff. Mr. Smith said that a document on "Personal Protocol" was reviewed and discussed. Mr. Smith advised that this was a follow up from last month's Council meeting per Mr. Straughan. Mr. Smith reported that the Committee reviewed the next steps of the Town Charter subcommittee. Mr. Smith said that the final review of the last draft had been done and forwarded to the Town Attorney for his review. Mr. Smith stated that he hoped to present it to Council at the October meeting for discussion. Mr. Smith advised that Town Manager Saunders provided an update on a citizen's request for CIP details noting that he had complied with the request, felt that the CIP development process had been conducted properly, and considered the matter closed. Mr. Smith stated that the Committee wished to thank Jane Ludwig and Dave Reedy for their service on the Planning Commission in the form of the previously adopted resolution. Mr. Smith said that the Committee was updated on the pending obsolescence of the AS400 server and the implications for the current operating software. Mr. Smith added that staff was reviewing other municipal software packages and had actually had a meeting with one vendor this past Thursday. Mr. Smith advised that the Committee also entered into Closed Session as allowed by FOIA 2.2-3711(A) Para (3) to discuss the acquisition of real property.

September 17, 2012

2) Committee Recommendations to Council

a. Recommend to approve the disbursements from August 21, 2012 to September 17, 2012 in the amount of \$166,610.50.

ACTION: Councilmember Smith made a motion to approve the disbursements from August 21, 2012 to September 17, 2012 in the amount of \$166,610.50, seconded by Councilmember Nunn; and carried unanimously.

b. Recommend that Council adopt the Town of Kilmarnock Committee Responsibilities document

ACTION: Councilmember Smith made a motion to adopt the Town of Kilmarnock Committee Responsibilities document as presented, seconded by Councilmember Straughan; and carried unanimously.

c. Recommend that Council adopt the Personnel Protocol Resolution

ACTION: Councilmember Smith made a motion to adopt the Personnel Protocol Resolution as drafted, seconded by Councilmember Nunn; and carried unanimously.

d. Recommend that Council and Planning Commission hold a joint special session in October to discuss short term and long term goals for the Town and how they pertained to the Comprehensive Plan

Mayor Booth asked if this would be in addition to the regular monthly meetings or would it take the place of those meetings.

Town Manager Saunders replied that it was his understanding that it would be in addition to the regular monthly meeting.

Councilmember Nunn advised that the Planning Commission met on October 9th and Town Council met on October 16th and suggested that the special meeting fall somewhere in between.

Councilmember Donahue stated that he didn't think they would have enough time to notify the public.

September 17, 2012

Councilmember Nunn replied that they had a whole month.

Mayor Booth commented that he didn't have a dog in the fight so he didn't care.

ACTION: Councilmember Straughan made a motion to hold a joint special session with the Planning Commission on October 11, 2012 at 7:30 pm, seconded by Commission Member Smith; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Flag at Half-staff

Town Manager Saunders stated that the flag was at half-staff due to the passing of Virginia Supreme Court Justice Henry White as ordered by the Governor

B. Police Officer Leaving

Town Manager Saunders stated that he was sorry to report that Police Officer Kevin Dawson would be leaving the Town of Kilmarnock and going to work at Lancaster Sheriff's Office.

Councilmember Straughan asked if the Town was a training ground for the county.

Town Manager Saunders replied that they were but added that the Town was certainly sorry to lose Mr. Dawson.

C. VML Conference

Town Manager Saunders advised that the VML Conference began next Sunday evening and noted that several Councilmembers were going. Mr. Saunders asked each Councilmember to check their mail slots before leaving for pertinent information regarding the conference.

D. Planning Commission Meetings

Town Manager Saunders advised that the Planning Commission changed their regular monthly meetings to the second Tuesday night of each month at 7:00 pm. Mr. Saunders stated that they had changed their by-laws to accommodate this.

September 17, 2012

Councilmember Nunn advised that she wanted to congratulate Curtis Smith who was elected as Chair, Les Spivey who was elected as Vice-Chair, and Lindsay Gardner who was elected as Secretary of the Planning Commission.

8. Old Business

There was no discussion under Old Business.

9. New Business

A. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held property , whereas discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

ACTION: Councilmember Smith made a motion to enter into Closed Session as allowed by FOIA 2.2-3711 (A) Para (3) for reasons described above, seconded by Vice-Mayor Gravatt; and carried unanimously.

Mayor Booth called for a 10 minute recess prior to the Closed Session at 7:25 pm.

Council entered into Closed Session at 7:35 pm.

Regular meeting reconvened at 8:03 pm.

B. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (3) for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, whereas discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

ACTION: Councilmember Straughan made a statement certifying that in the Closed Session which just concluded that nothing was discussed except the matter or matters (1) specifically identified in the motion to convene into 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.

September 17, 2012

Booth, Raymond C. Jr., - yes
Gravatt, Emerson - yes
Smith, William L. – yes
Umphlett, Mae – yes
Straughan, Howard – yes
Nunn, Rebecca T. – yes
Donahue, Shawn – yes

10. Council Comments.

There were no Council Comments made.

11. Adjournment

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

Meeting adjourned at 8:05 pm

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Cindy Balderson, Clerk