

September 19, 2011

**KILMARNOCK TOWN COUNCIL
Monday, September 19, 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
Denis Bouslough
Shawn Donahue

Paul S. Jones
Rebecca Nunn
Mae Umphlett

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 and then led the recital of the Pledge of Allegiance. Mayor Booth recognized reporter Diane Saison from the Northern Neck News as being in the audience and said that he was pleased to have additional press present at the meeting. Mayor Booth also welcomed reporter Audrey Thomasson from the Rappahannock Record who he said always covered the Council meetings but added the more press, the better. Mayor Booth told Ms. Saison that he hoped her presence and coverage of the meetings would be a continuous thing.

2. Acceptance and Approval of Agenda

Councilmember Bouslough stated that he wanted to amend the agenda by removing the discussion under Section 8: Old Business regarding the Mayor's letter to the editor, other letters and public statements.

ACTION: Councilmember Bouslough made a motion to amend the agenda for the September 19, 2011 Regular Town Council meeting by

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**removing the discussion under Section 8:
New Business regarding the Mayor's letter
to the editor, other letters and public state-
ments, seconded by Councilmember
Donahue;**

DISCUSSION:

Councilmember Nunn reminded Mr. Bouslough that he was the Councilmember in agreement with her at the last meeting saying that the Mayor's letter should be discussed during a Closed Session at this meeting. Mrs. Nunn added that they had waited to hear back from Town Attorney Stamm to see if the discussion could be held in Closed Session. Mrs. Nunn said that since Mr. Stamm did not get back with them on this she felt the discussion should be held during open session. Mrs. Nunn finalized by saying that she was opposed to having this issue removed from the agenda.

Councilmember Bouslough told Councilmember Nunn that she was correct in saying that during the last meeting he too had wanted to hold a discussion regarding this issue. Mr. Bouslough stated that meeting was his very first Council meeting and since that time he had read Robert's Rules of Order and had a discussion with Town Attorney Stamm who advised him that a Closed Session on this topic was not acceptable. Mr. Bouslough advised that the Town Code stated that Robert's Rules of Order would prevail when something was not covered by the Code. Mr. Bouslough stated that he was not well-versed on Robert's Rules of Order but after reading through it he came across a paragraph which stated that personal remarks were always out of order. Mr. Bouslough said that the Mayor's letter and all letters in the newspaper or media were personal and not endorsed by all members of the Council; therefore, any discussion regarding them would be personal and counter to Robert's Rules of Order.

Councilmember Nunn advised Councilmember Bouslough that she would be in agreement with him that it would have been personal if the Mayor had not signed the letter to the editor of the paper using his title and had not spoken on behalf of Council. Mrs. Nunn said that since the Mayor had spoken on behalf of Council, she felt it was incumbent upon Council to discuss the letter. Mrs. Nunn stated that this was not anything personal against Mr. Booth but noted that he did make seventeen erroneous statements in that letter, eight of which she wanted to address because she did not want the citizens to be misled by fabrications or misrepresentations of the facts.

Councilmember Bouslough replied that was an opinion.

Councilmember Nunn countered that it was not an opinion but a fact.

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Councilmember Bouslough told Councilmember Nunn that it might be fact but it was still her personal comment on it. Mr. Bouslough advised that he talked with Town Attorney Stamm and he agreed that any discussion of the topic would go down a personal avenue which would be of no business value at the Council table.

Councilmember Nunn advised Mr. Bouslough that if he wished to allow someone to speak for Council when they misrepresent the facts and state fabrications to the public then she thought the whole Council was remiss and it made the Council just as culpable and liable for his statements as if they had all said them. Mrs. Nunn noted her opposition to the motion.

Mayor Booth recognized Councilmember Bouslough's motion, noting that it had been duly seconded but wanted to entertain any further discussion on the matter before calling for a vote. Hearing no further discussion:

Mayor Booth called for the vote which was 4 to 2 in favor of the Motion. (Councilmember Nunn and Councilmember Jones opposed) Motion carried.

Vice-Mayor Smith stated that he would also like to make an amendment to the agenda under Section 8: Old Business to add the election of a Vice-Mayor as discussed during last month's meeting.

Town Attorney Stamm advised Council that historically the Town had been electing a Vice-Mayor once a year even though the Code stated that it was to be done every two years at least.

Mayor Booth asked if there was a motion to accept the agenda with the modifications under Old Business.

Councilmember Donahue commented that he would make the motion.

Reporter Audrey Thomasson from the Rappahannock Record advised that Mr. Bouslough had already made the motion to accept the agenda which was seconded and voted on.

Mayor Booth asked Ms. Thomasson to please let him run the meeting. Mayor Booth said that that the motion made by Councilmember Bouslough was specific to striking the discussion of his letter, other letters, and public statements from Section 8 of Old Business. Mayor Booth advised that Councilmember Donahue said he would make a motion to accept the agenda with the aforementioned amendment.

ACTION: Councilmember Donahue made a motion to

approve the September 19, 2011 Regular Town Council meeting agenda with the amendment of adding the election of a Vice-Mayor under Section 8: Old Business, seconded by Vice-Mayor Smith; and carried unanimously.

3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held August 15, 2011.

ACTION: Councilmember Bouslough made a motion to accept the August 15, 2011 Regular Town Council Meeting Minutes as presented, seconded by Councilmember Umphlett; 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.

There were no participants in the public forum.

B. Planning Commission Report: Councilmember Bouslough, Council Liaison

Council Liaison Bouslough reported that he was unable to attend the meeting due to a death in his family. Mr. Bouslough advised that Councilmember Nunn was at the meeting and asked if she would give the report.

Councilmember Nunn stated that the Kilmarnock Planning Commission met on Monday September 12th for exactly 22 minutes. Mrs. Nunn advised they passed a motion recommending that Council approve the proposed text amendments to the Sign Ordinance in Chapter 54, Article IV, particular to electronic and animated signs. Mrs. Nunn clarified that the recommendation did not just exclude animated and electronic signs from the Steptoe's District but everywhere within the Town. Mrs. Nunn reported that a second motion was approved by the Planning Commission to recommend that Council approve the proposed text amendments to the Environment Ordinance in Chapter 18, Article II, particular to penalties for weeds and wild growth violations. Mrs. Nunn said that apparently some people were finding it cheaper to just let the Town cut their grass and then pay the fine. Mrs. Nunn stated that what the Planning Commission proposed was to amend the ordinance so that the first notice of violation would

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include a \$50 fine, the second notice would include a \$100 fine, and the third notice would include a \$150 fine. Mrs. Nunn advised that the Planning Commission welcomed new member, Travis Abbott. Mrs. Nunn finalized by saying that Mrs. Jane Ludwig was re-elected as Chair and Mr. Dave Reedy was elected as Vice-Chair.

5. Public Hearing:

Consideration of proposed Drought Management Ordinance as required under Virginia Law.

A. Description of Proposed Ordinance: Town Manager Saunders

Town Manager Saunders advised that the state of Virginia, prompted by the EPA, was now requiring all towns and jurisdictions to adopt a Drought Management Plan. Mr. Saunders said that he would like to incorporate by Resolution the Northern Neck Regional Water Supply Plan which was created and published by the Northern Neck Planning District Commission so that individual jurisdictions would not have to attempt this on their own. Mr. Saunders advised that this was something that had been mandated by the state and all jurisdictions would have to comply by the end of November 2011. Mr. Saunders stated that Councilmembers received a CD supplied by Zoning Administrator/Planning Director Sebra that included the plans of a voluminous document but noted there was not a lot that applied to the Town other than during extreme drought in Virginia the state would have jurisdiction over how the Town's water supply was distributed. Mr. Saunders commented that it was fairly cut and dry. Mr. Saunders said that the two action items before Council were to adopt the Resolution regarding the Northern Neck Regional Water Supply Plan and to incorporate the Drought Water Management Plan into the Town Code.

B. Mayor Booth opened the public hearing.

C. Mayor Booth asked for public comments.

Mr. Les Spivey of 58 East Church Street, Kilmarnock, VA, wanted to know if there would be any cost attached to the plan.

Mayor Booth asked Town Manager Saunders if he could reply to Mr. Spivey's question.

Town Manager Saunders said that he would do his best and then simply advised Mr. Spivey that he did not know which generated laughter. Mr. Saunders stated that the Town had actually contributed a small amount to the consultant's study that helped generate the ordinance. Mr. Saunders added that every jurisdiction in the Northern Neck Planning District contributed equally. Mr. Saunders figured that there might be some cost somewhere down the road. Mr.

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Saunders said that he did not want to belittle the work of the government but noted that the plan was a lot of work that would probably sit on a shelf and not have practical application unless there was the rare event of the Town having a long Texas-like drought. Mr. Saunders finalized by saying that right now he could not see any additional money coming out of pocket.

D. Mayor Booth closed the public hearing.

E. Mayor Booth asked for staff comments.

Town Attorney Stamm advised that he had reviewed everything and noted that it was something the Town had to adopt or they would be out of sync. Mr. Stamm said that he did not see any expense in it at this point but added that one never knows. Mr. Stamm advised that there were only two choices and they picked the one most recommended by the Northern Neck District Planning Commission.

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

ACTION: Councilmember Nunn made a motion to adopt by Resolution the Northern Neck Regional Water Supply Plan, seconded by Vice-Mayor Smith; and carried unanimously.

ACTION: Councilmember Bouslough made a motion to adopt the Drought Water Management Plan as presented, seconded by Councilmember Umphlett; and carried unanimously.

6. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from August and September 2011 Meetings

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

Councilmember Nunn reported that in August the Committee reviewed Progress Engineers' proposal of \$19,600 for engineering work on the replacement of the Wiggins Avenue force main. Mrs. Nunn said that the Mary Ball Road Project, the status of the stored pipe fittings at 514 North Main Street, the abandoned pump building at the end of Waverly Avenue, and an inventory of the radio read meters by Wayne Kent were also discussed. Mrs. Nunn stated that the

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Committee extended congratulations to P.J. Jones who passed his Class IV WWTP Operator's License test. Mrs. Nunn continued her report by saying that during the September meeting the Committee decided to overturn a recommendation that they were going to make to Council regarding an issue discussed during the August meeting. Mrs. Nunn advised that Councilmember Denis Bouslough asked her to stay on as Chair of the Water/Sewer Committee and added that since the two of them comprised two thirds of that Committee she had decided to continue as the "elected" Chair. Mrs. Nunn reported that Town Manager Saunders advised the Committee of a request that would be coming forward from the county asking the Town to supply the Kilmarnock-Lancaster Rescue Squad Building with sewer service and noted that they were currently on a septic system. Mrs. Nunn advised that during Irene one of the variable frequency drives of the wastewater treatment plant was found to be faulty and needed to be replaced. Mrs. Nunn said that Mr. Bill Rosenbaum reported that the Town had two bids for installing the water and sewer laterals on the Mary Ball Road Project. Mrs. Nunn advised that it was agreed upon to award the contract to Franklin Mechanical for \$141,384 since they were the low bidder. Mrs. Nunn stated that most of those funds would be reimbursed by the state through the Community Block Grant Project. Mrs. Nunn reported that the Town would solicit bids for asbestos removal at the old pump station on Waverly Avenue which would be torn down. Mrs. Nunn advised that Town Manager Saunders reported that employee, Wayne Kent, and the Public Works Department had developed a protocol for recording the radio read water meter status and the data base should be completed in the next few months. Mrs. Nunn stated that as Chair of Water/Sewer she informed the Committee that there were no plans to sell the Water/Sewer System nor had there ever been. Mrs. Nunn said that the Town had been approached in the past by private utility operators and there was no interest because it absolutely made no sense for the Town to sell its biggest amenity which was the single most draw for bringing in businesses. Mrs. Nunn said that as Chair she also thanked employee, Franklin Carter, and his crew for their diligence in getting the flags up for Labor Day and added that she complimented them on how nice they looked as did many members of the public.

2) Committee Recommendations to Council

a. Approve Progress Engineers' proposal in the amount of \$19,600 to provide engineering work required to obtain bids for the replacement of the Wiggins Avenue sewer force main.

ACTION: Councilmember Nunn made a motion to approve Progress Engineers' proposal in the amount of \$19,600 to provide engineering work required to obtain bids for the replacement of the Wiggins Avenue sewer force main, seconded by Councilmember

Bouslough; and carried unanimously.

b. Award the contract for water and sewer laterals as part of the Mary Ball Road Community Block Grant to low bidder, Franklin Mechanical Corporation, in the amount of \$141,384.

ACTION: Councilmember Nunn made a motion to Award the contract for water and sewer laterals as part of the Mary Ball Road Community Block Grant to the lowest bidder, Franklin Mechanical Corporation, in the amount of \$141,384, seconded by Councilmember Bouslough; and carried unanimously.

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

1) Report from September, 2011 Meeting

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

Vice-Mayor Smith and Councilmember Donahue were absent from the meeting, so Councilmember Nunn gave the report.

Councilmember Nunn reported that Town Manager Saunders advised that the Town came through Hurricane Irene in excellent condition. Mrs. Nunn stated that the Committee discussed the Town's storm response and agreed that several businesses and organizations had gone above and beyond their service to the community. Mrs. Nunn continued by saying that in recognition thereof the Committee agreed to recommend to Council a Resolution of Appreciation and Accommodation to include the Kilmarnock Fire Department, Lancaster Rescue Squad, American Red Cross, and the local radio station. Councilmember Nunn advised that Town Manager Saunders' talks with a firm regarding a 4th of July fireworks display in Kilmarnock turned out to be very disappointing. Mrs. Nunn said that the minimum cost was well above \$15,000 for a fifteen minute display. Mrs. Nunn noted that Mr. Saunders was still waiting for a quote from VML insurance for a liability rider in case the Town decided to do the show without a full service contractor. Mrs. Nunn advised that Zoning Administrator/Planning Director Sebra joined the meeting to present the results of the Town's recent RFP paperwork for making the entrance to Baylor Park compliant with VDOT requirements. Mrs. Nunn commented that just about everything had been done and they would not have to spend any more money. Mrs. Nunn advised that the Committee discussed the difficulty of maintaining plants in the Main Street Islands and added that they would continue to work on

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that issue. Mrs. Nunn said that Mayor Booth had input as a landscaper regarding some plants that they could possibly use and added that they hoped to have a plan by the next meeting. Mrs. Nunn advised that the East Church Street paving schedule kept changing but they thought paving would start sometime soon. Mrs. Nunn reported that all of the bricks for the dog park had been sold and were on order. Mrs. Nunn said that they expected to receive the order either in January or February. Mrs. Nunn stated that the bricks would be mixed with pavers to make a patio entrance to the dog park and they expected to hold an opening ceremony in the spring for that. Mrs. Nunn wanted everyone to know that the dog park did not cost the taxpayers one cent because all of the money was donated which amounted to over ~~*\$10,000~~. *\$10,500(corrected by Town Council 10/17/11)

2) Committee Recommendations to Council

a. Resolution of Appreciation and Commendation for those who responded to Hurricane Irene.

Assistant Town Manager Cockrell read the Resolution honoring the Emergency Response Community who responded during Hurricane Irene including River County Chapter of the American Red Cross, Virginia Dominion Power, Kilmarnock-Lancaster Rescue Squad, Kilmarnock Volunteer Fire Department, Lancaster County Emergency Management, Lancaster County Sheriff's Department, Virginia Department of Transportation, WKWI, WIGO Country, Town of Kilmarnock Employees, Public Works and Utilities, and Kilmarnock Police Department. (See Attachment)

ACTION: Vice-Mayor Smith made a motion to adopt the Resolution as presented, seconded by Councilmember Nunn; and carried unanimously.

Councilmember Nunn presented the Resolution to the River County Chapter of the American Red Cross.

Mayor Booth thanked Red Cross members for all that they have done.

b. Award contracts to modify entrance and enlarge parking area at the Baylor Park Nature Trail to Ransone's Nursery and Maintenance for a combined cost of \$34,396.

ACTION: Councilmember Nunn made a motion to award Ransone's Nursery and Maintenance a contract in the amount of \$34,396 to modify the entrance and enlarge the parking area at Baylor Park Nature Trail, seconded by

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Councilmember Bouslough;

DISCUSSION:

Vice-Mayor Smith asked Town Manger Saunders if there was money in the budget for this expense.

Town Manager Saunders replied that there was.

Councilmember Donahue interjected that five minutes ago Councilmember Nunn had said that there was no additional expense.

Councilmember Nunn advised Mr. Donahue that what she had said was that they had presented the bid results from the Town's recent RFP paperwork and there would be no more....

Councilmember Donahue cut Councilmember Nunn off and said that he was asking the Town Clerk to review her notes as to what was said.

Councilmember Donahue asked the Town Clerk and Transcriber if Councilmember Nunn had stated earlier that there was no additional expense for Baylor Park.

Councilmember Nunn interjected that what she said was that there was no additional expense for VDOT requirements.

Councilmember Donahue asked Transcriber Kent what she had in her notes.

Transcriber Kent stated that she could replay the tape but had not recorded Councilmember Nunn's exact wording in her notes.

Councilmember Donahue turned to Councilmember Nunn and said that they did have additional expense for Baylor Park.

Councilmember Nunn replied that they did not have additional expense for VDOT requirements but noted that there was an additional expense for finishing the parking lot. Mrs. Nunn said that this was something they had always known about and had just received the bids. Mrs. Nunn stated that what she had said before was that bid results had been presented from the Town's recent RFP.

Councilmember Donahue commented that now Council was being asked to approve 30-some thousand dollars, so he would have to say that was an additional expense.

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Councilmember Nunn advised Councilmember Donahue that he just wanted to nit-pick as usual. Mrs. Nunn said that it was \$34,000 and then they would be finished.

Councilmember Donahue told Councilmember Nunn that she had said earlier that there was no additional expense when there really was.

Councilmember Nunn commented that what she said was that they did not have any more expense after this.

Councilmember Donahue argued that was not what she had said earlier.

Mayor Booth interjected and said that he thought that the project was close to being within the budget proposed by Zoning Administrator/Town Planner Sebra. Mayor Booth did not believe that some of the work was modifications required by VDOT. Mayor Booth added that the scope of some of the work was increased by VDOT evaluations and directives.

Councilmember Nunn said that once this was done there was nothing else required by VDOT.

Mayor Booth advised Mrs. Nunn that he was not arguing with her and added that he did not have a dog in this fight.

Councilmember Nunn replied neither did she.

Councilmember Donahue advised that the point he was trying to make was that six months ago, when Baylor Park was given to the Town of Kilmarnock, he recommended that they make sure that they met VDOT code on the entrance before just opening up a park and then getting hit with fees in order to be in compliance. Mr. Donahue said that Town Manager Saunders worked months with VDOT and found out that the park was not free. Mr. Donahue stated that in fact there was going to be thousands of dollars associated with opening this park. Mr. Donahue said that was all he was trying to do was point out to the people who live in Town that nothing was free. Mr. Donahue commented that it was no different than the doggy park because someone had to be out there mowing, cleaning and doing the work. Mr. Donahue advised that they could say it was free but there was expense involved with all of these projects.

Councilmember Nunn stated that the Town had already been cutting the grass at the Town lot before the dog park was there.

Councilmember Donahue said that this was \$35,000 more than what was planned for Baylor Park.

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Mayor Booth called for the vote, and the motion carried unanimously.

Mayor Booth thanked Councilmember Nunn for her diligent reports.

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

There was no meeting held.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

There was no meeting held.

E. Town Centre Committee: Councilmember Jones, Chair

1) Report from September 2011 meeting

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

Councilmember Jones reported that the Committee discussed a letter received from the Lancaster Community Library regarding a possible trade or the Library purchasing a portion of the nine-acre Town lot. Mr. Jones stated that if the Library took too long deciding what they wanted to do then the Committee was going to move forward with the plan for a new Town Hall. Mr. Jones advised that the Committee also discussed the back room in the building that housed the police department which was leaking. Mr. Jones said that there was a possibility that the occupants of that building would have to be moved over to the current Town Hall. Mr. Jones advised that the Committee discussed putting in more electrical power access on the Town lot for events.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from September Meeting.

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

Vice-Mayor Smith advised that the Committee discussed the Virginia Tourism Contest of bringing LOVE to Kilmarnock. Mr. Smith said that they were proud of the number of votes Kilmarnock received although they did not win.

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Assistant Town Manager Cockrell advised that Kilmarnock came in 8th place out of the 20 some localities that participated.

Vice-Mayor Smith said that some of the localities that participated were quite large. Mr. Smith thanked each resident who voted for Kilmarnock. Mr. Smith said that the Committee spent quite a bit of time discussing social media which fell in line with Facebook and bringing LOVE to Kilmarnock. Mr. Smith advised that there was discussion on how to monitor information posted on Facebook. Mr. Smith said that once the Town opened a page anyone could go on and post just about anything. Mr. Smith stated that staff presented approaches from other jurisdictions and was directed by the Committee to create suitable language for posting on the Town's Facebook page as far as what would be permitted and what would be removed. Mr. Smith advised that the Committee reviewed feedback from the Department of Community Housing and Development in reference to the enterprise zone incentive changes. Mr. Smith said that after discussion they felt that five full-time employees was asking too much of a new business coming into Town, so they were recommending that it be lowered to two full-time employees or a real property investment of \$250,000 in order to qualify. Mr. Smith noted that the modification was one of the recommendations to Council and if passed would be ready for public hearing in October. Vice-Mayor Smith said that they held a joint meeting with Admin/Finance and wanted to give that report before any action was taken on recommendations.

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

1) Report from September, 2011 meeting.

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

Vice-Mayor Smith reported that a Closed Session was held during the Committee meeting where they received a presentation from the Kilmarnock Museum. Mr. Smith advised that there was discussion regarding the videotaping of Town Council and Committee meetings and it was their recommendation that Town Council pick a specific location within the Town Hall where equipment could be set up for this purpose and the information relayed to the public at each meeting. Mr. Smith said that the Committee discussed legal fees incurred by Councilmembers. Mr. Smith stated that Town Attorney Stamm rendered his opinion that the Committee and Vice-Mayor assignments were to be made annually based on the Code of Virginia, the silence of the Town's Charter, and historic precedence. Mr. Smith advised that Town Attorney Stamm informed the Committee on the requirements to hold a Special Election in May 2012 where former Councilmember Randy Moubray's remaining two-year term would be filled along with any occurring vacancies. Mr. Smith advised that the Town would have to petition Lancaster Circuit Court for permission to hold the special election. Mr. Smith said that the position vacated by Johnny Smith would stand for election in

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2012 for its four-year term. Mr. Smith stated that the Committee discussed the need to review the Charter and the Town Code and added these topics to upcoming agendas. Mr. Smith said that Town Manager Saunders had requested a replacement on the Rehabilitative Advisory Board for the Mary Ball Block Grant Project and Councilmember Nunn had agreed to fill that position. Mr. Smith reported that Town Manager Saunders had also requested the adoption of a Depository Resolution naming two new check signers in order to make it easier for the Town to do business. Mr. Smith noted that the Town had lost a few check signers when they resigned from Council. Mr. Smith stated that the Committee was recommending that Councilmember Donahue and Councilmember Nunn be added to the Resolution giving them check signing authority for the Town. Mr. Smith advised that Dr. Crowther from Rappahannock Community College gave a joint presentation with four Councilmembers in attendance. Mr. Smith said that RCC would be adding a Kilmarnock site in the Chesapeake Commons strip mall which would be close to a \$2 million project that would include renovations to the building, technology and the hiring of teaching staff. Mr. Smith advised that Dr. Crowther was conservatively expecting approximately one thousand students to be coming through the facility per week. Mr. Smith stated that RCC had entered into an eight-year lease agreement with the owner of the building. Mr. Smith said that RCC was going to design the building to replicate the Glenss and Warsaw Campuses. Mr. Smith advised that Dr. Crowther had asked the Town to match the funding given to them by Lancaster County which was \$50,000 from the Board of Supervisors and \$32,000 from IDA totaling \$82,000 for the capital buildout of the Kilmarnock RCC Campus.

2) Committee Recommendations to Council

a. Modify the qualifying threshold for local incentives in the Enterprise Zone to include either the creation of 2 new full-time equivalents or \$250,000 in real property investment.

ACTION: Councilmember Nunn made the motion to modify the qualifying threshold for local incentives in the Enterprise Zone to include either the creation of 2 full-time equivalents or \$250,000 in real property investment, seconded by Councilmember Umphlett;

DISCUSSION:

Mayor Booth asked Town Attorney Stamm if he had any pertinent, relevant comments on the topic.

Town Attorney Stamm replied that he did not see anything wrong with it. Mr. Stamm said he believed that they had the power to mold it to the area the

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best that they could. Mr. Stamm advised that Council might have to revisit it later but at this point it was good to say what was going to do this Town some good.

Town Manager Saunders stated that this was a local incentive in addition to the state incentive.

Councilmember Nunn added that it would have to be passed by the whole Northern Neck District Planning Commission.

Town Manager Saunders agreed that it would have to clear their legal scrutiny.

Councilmember Donahue asked when they did the Enterprise Zone map were they doing the whole Town or isolated sections.

Town Manager Saunders advised that it was voted on some months ago to move the Enterprise Zone designation around a little and to off some land that was used for conservation preservation. Mr. Saunders said that they had covered a larger part of the Town that they wanted to see grow.

Councilmember Donahue wanted to know if this was being done for the college.

Town Manager Saunders replied yes and added that they were doing this to make their Enterprise Zone more attractive.

Councilmember Donahue asked if by changing from 5 employees down to 2 was the Town overriding the state.

Town Manager Saunders replied that the Town was not and added that it was a local option. Mr. Saunders said that they were simply changing what Kilmarnock had done ten years ago and bringing it up to date.

Councilmember Donahue asked what a business received if it was in the Enterprise Zone.

Town Manager Saunders replied that they received rebates on connection fees, water rates, and real estate tax reduction for a limited period of time.

Councilmember Donahue asked if that would be for any new business that hired two full-time employees.

Town Manager Saunders replied that would depend if this was passed by the rest of the Northern Neck Enterprise Zone and was then approved by the state.

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Councilmember Donahue commented that the Town was going to reduce their water rates.

Councilmember Nunn replied that the Town was already doing that and they were just changing it to two full-time employees instead of five for economic reasons.

Councilmember Donahue asked what percentage the connection fees would be reduced by.

Assistant Town Manager Cockrell stated that the zone had been in place since 1999 and 2000 with the same topics in a sense of BPOL tax, water connection, real estate assessed value and the duration of all of that. Ms. Cockrell said that most of these were for the duration of 10 years and on a graduated scale. Ms. Cockrell advised that they had tightened that timeframe down to 7 years. Ms. Cockrell said that the BPOL tax and the real estate assessment fees were the same.

Mayor Booth asked Councilmember Nunn if she would like to comment.

Councilmember Nunn stated that all she wanted to say was that the incentive package had always been there and they were only changing the number of employees from 5 to 2 because of the economic times.

Mayor Booth called for the vote, and the motion carried unanimously.

b. Designate a specific area in Council chambers where video recording could be conducted.

Vice-Mayor Smith said that it would be up to Council if they wanted to provide a special place in the building so that individuals could videotape the meetings. Mr. Smith said that this was so that everyone including the audience would know that they were being videotaped.

Assistant Town Manager Cockrell advised that this stemmed from the era when Wal-Mart negotiations were going on.

Mayor Booth thought that the area behind the press seemed to be the most reasonable place. Mayor Booth said that it was his understanding that the public had to be allowed to videotape if they chose to do so.

Councilmember Umphlett could not believe that the general public would not have anything better to do than to videotape the Council meetings.

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Councilmember Nunn said she recalled that there were incidents where people did not know they were being videotaped and also incidents where cameras were held up blocking the view of others. Mrs. Nunn thought this was the reason that an area had to be designated.

ACTION: Vice-Mayor Smith made a motion to designate the area in the back right corner of Council Chambers behind the press for video recording, seconded by Councilmember Nunn; and carried unanimously.

c. Authorize the Town Attorney to file appropriate petitions requesting a Special Election to fill the remaining portion of Randy Moubray's term to coincide with general elections to be held at that time.

ACTION: Councilmember Donahue made a motion to authorize the Town Attorney to file the appropriate petitions to hold a special election in May 2012 as noted, seconded by Vice-Mayor Smith; and carried unanimously.

d. Authorize the adoption of an updated Depository Resolution and appoint Councilmember Nunn and Councilmember Donahue as additional check signers for the Town.

ACTION: Vice-Mayor Smith made a motion to adopt the updated Depository Resolution giving Councilmember Nunn and Councilmember Donahue the authority to sign checks for the Town of Kilmarnock, seconded by Councilmember Bouslough; and carried unanimously.

e. Recommend that Council approve the disbursements from August 16, 2011 through September 19, 2011 totaling \$244,067.67.

ACTION: Councilmember Bouslough made a motion to approve the disbursements from August 16, 2011 through September 19, 2011 as presented, seconded by Vice-Mayor Smith;

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DISCUSSION:

Councilmember Donahue said that in the disbursements he only saw where the Town purchased parts from Advance Auto and wanted to know why they did not get parts from NAPA which was family owned.

Vice-Mayor Smith replied that the Town made purchases from NAPA as well.

Councilmember Donahue said that he only wanted to put a plug in for the local businessman.

Councilmember Nunn stated that she thought the legal fees in the latest disbursements were absolutely ridiculous and said that she would not vote to pass the disbursements because of it.

Town Attorney Stamm replied that there were no legal fees in the disbursements.

Councilmember Nunn said then she was referring to the last legal bill submitted to the Town which she thought was ridiculous and if it was not included in the disbursements then she would vote to pass them. Mrs. Nunn reiterated that the last legal fees were ridiculous.

Mayor Booth called for the vote, and the motion carried unanimously.

f. Recommend that Council approve Payroll Disbursement and Pay Increases

Vice-Mayor Smith said that the payroll disbursement and pay increases which were recommended by the Town Manager had been approved by the Admin/Finance Committee which was recommending that Council do the same.

Councilmember Donahue commented that the information was not in the packet.

Town Manager Saunders advised that it was delivered separately from the packet.

Mayor Booth commented that he had not received it at all through the proper channels but noted that one of the Councilmembers was kind enough to make a copy of it for him.

Mayor Booth reminded Councilmembers that this topic could only

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be discussed in generic terms or in total salaries because of the privacy issue. Mayor Booth advised that specific salaries could not be discussed.

ACTION: Vice-Mayor Smith made a motion to approve the spreadsheet regarding payroll disbursements and payroll increases as presented, seconded by Councilmember Jones;

DISCUSSION:

Councilmember Bouslough stated that he had a question and asked if the disbursement of the salary increase was within Town Manager Saunders total purview.

Vice-Mayor Smith replied that it was.

Councilmember Bouslough said that he had asked a question about the \$50,000 at the bottom on the page which was not included in the total figure.

Vice-Mayor Smith acknowledged that he recalled the question.

Councilmember Bouslough stated that what they had was the total salary increase. Mr. Bouslough said that what he did not notice at the time was the percentage change which was greater than 3%. Mr. Bouslough commented that he did not understand how the calculation worked.

Vice-Mayor Smith said that the 4.7% increase was based on the total salaries that were left and was not including the dollar amount just referenced.

Councilmember Bouslough said he was not there when the budget was prepared and had not seen a pay raise occur but had to wonder if 3% to 4.7 % wasn't an increase.

Vice-Mayor Smith replied that it was an increase but at the end of the day the total salary bucket was at less than before.

Mayor Booth commented that was because the total salaries were reduced by an employee's position that was eliminated.

Councilmember Bouslough asked Vice-Mayor Smith if in his estimation this was totally consistent with the general agreement of a 3% pay increase cumulatively.

Vice-Mayor Smith replied that was correct because the 3% pay increase was based on where salaries were during that time including that 3%.

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Councilmember Bouslough asked if there was a set amount of money applied to the pay increases.

Vice-Mayor Smith replied that when the budget was done they looked at what the total salaries were at the present time and did a 3% increase across the board.

Councilmember Bouslough, in an attempt to understand, said there was a pot of money as a result of that 3% and because of transactions that took place that same amount of money was left to be disbursed amongst a fewer number of employees.

Vice-Mayor Smith stated that at the end of the day they had actually gone down.

Councilmember Donahue stated that they were giving a bigger increase than 3% to employees on the payroll.

Vice-Mayor Smith replied that some employees were receiving more than 3%.

Councilmember Donahue commented that Council had voted on a 3% increase.

Vice-Mayor Smith advised that Council had voted on a 3% dollar amount that would be determined by the Town Manager on how he wanted to divvy it up. Mr. Smith said they did not agree that the most that anyone could receive was 3%. Mr. Smith stated that they were looking at a dollar bucket of salaries plus the percentage of increase.

Councilmember Donahue told Town Manager Saunders that he went back and reviewed some allocations that they had talked privately about which he thought were good.

Councilmember Bouslough said that the 4.7% was the only thing that had surprised him.

Councilmember Donahue commented that if the Town cut half its staff then the rest of the employees could get a 50% increase. Mr. Donahue said that theoretically that was what they were talking about. Mr. Donahue stated that they had agreed to 3% and had given out 4.7% noting that if the Town had less employees then they could give out more money.

Mayor Booth stated that regardless of what hocus pocus was used 4.7% was not 3%. Mayor Booth thought that the average salary increase was a

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fortune and certainly it varied from one employee to another which quite normally would be the case but added that the average increase in salary apportioned was approximately 4.7%. Mayor Booth reiterated that 4.7% was not 3%. Mayor Booth believed that the salary increase that the “then” Council, which was some of the current Councilmembers minus those who had resigned, voted for 3% and he recalled making the tie-breaking vote. Mayor Booth said that was also the average salary increase that the citizens thought would be handed out. Mayor Booth stated that he urged his colleagues on Council to reject the excessive salary increases and ask Mr. Saunders to go back to the drawing board and apply the proper percentage. Mayor Booth advised that they had an extraordinary circumstance where a high salary employee was eliminated moving the baseline. Mayor Booth said that he thought the Town Manager was within his means of doing this because the baseline had moved after the high salary employee was eliminated then the salaries could be increased by 6, 7, or even 8% over what the salaries were in the previous fiscal year. Mayor Booth did not find the application of these raises to be in keeping with what the “then” Council thought it was passing and not in keeping with what was represented to the citizens of the Town.

Councilmember Bouslough stated that he had not participated in the budget approval process and was deferring to the accounting expert that they had, Vice-Mayor Smith. Mr. Bouslough said that he was remiss when he looked at this and had asked the question at the meeting which he thought was taken care of. Mr. Bouslough stated that later on, after studying it, he stumbled across that. Mr. Bouslough said that his question, which might bear on a legal issue that Mr. Stamm may have to weigh in on, was if 3% was all that was approved within the budget then was that not all that could be given.

Vice-Mayor Smith took up Councilmember Bouslough’s question and replied “no”. Mr. Smith said that what Council actually approved was a bucket of money.

Councilmember Bouslough interrupted and, as if to reach clarification, said that they had approved a dollar amount.

Vice-Mayor Smith replied that was correct and it was based on a 3% increase so a salary budget was prepared for what the original was plus a 3% across the board.

Councilmember Bouslough asked if it was correct to say that when they signed off on the budget they were approving a dollar amount.

Vice-Mayor Smith replied that was correct.

Councilmember Nunn asked Vice-Mayor Smith if the Town Manager had exceeded the dollar amount.

Vice-Mayor Smith replied that he had not.

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Town Manager Saunders spoke up and said that what no one seemed to notice or comment on was that yes the employee to employee average salary increased and came out to 4.7%. Mr. Saunders said that there were a number of step increases in that but added that there were employees stepping up into new positions who deserved to be paid more than what they were making prior to the reorganization. Mr. Saunders stated that his point was, whether true or not, the total salary on that spread sheet was 2 ½ % less than last year. Mr. Saunders said that they had gone down in total salaries.

Councilmember Bouslough said that his question had been answered because he just wanted to know if they had approved 3% or a dollar figure.

Councilmember Donahue agreed with everything Town Manager Saunders had said but noted that they had eliminated a position thinking that they were going to outsource and save money. Mr. Donahue said that they did have an expense adding that it might not be a wage expense but it was going to be a third party contract expense. Mr. Donahue advised that they could not just sit there and say that the Town had saved \$50,000 because someone else had to pick up the load that the former employee was taking care of and outsource it.

Councilmember Nunn said that as the Chairman of the Water/Sewer Committee she wanted everyone to know that the Town would be saving approximately \$30,000 to \$50,000 per year with the elimination of that position because most of that work was being done by outside contractors anyway.

Councilmember Donahue said he did not dispute that and added he thought that could possibly be true. Mr. Donahue stated that, however, no one could say for sure that whole salary would be saved. Mr. Donahue said he thought everyone was in agreement that Council had approved a dollar amount but then a position was eliminated and it went to a 4.7% increase which was all just smoke and mirrors. Mr. Donahue stated that as long as everyone knew that was what it was and could vote saying okay instead of 3% raise we wanted to give 4.7% then they needed to know that was what they were doing.

Councilmember Nunn advised that it was a dollar amount which was not exceeded so she was voting to pass it.

Vice-Mayor Smith stated that he wanted to apologize to everyone because it was his understanding that the spreadsheet was going out in everyone's packet.

Mayor Booth said that he never got the spreadsheet.

Councilmember Nunn advised the Mayor that she did not get one either.

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Mayor Booth said that he would like to impeach the statement made by Councilmember Nunn that eliminating the position of the Water/Sewer Superintendent would save the Town \$30,000 to \$50,000 per year. Mayor Booth stated that he would have to fairly say that was an unknown quantity.

Councilmember Nunn replied that those were the figures.

Mayor Booth advised Councilmember Nunn that she did not know and he did not know either and none of them would ever know until this was done for a while and he pulled numbers which he intended to do. Mayor Booth told Mrs. Nunn for her to state with certainty

Councilmember Nunn interjected that she did not state with certainty, she had said that was what they had figured the Town would save which was between \$30,000 and \$50,000 per year. Mrs. Nunn admitted they might be wrong.

Mayor Booth replied that it might cost the Town \$100,000 per year which no one really seemed to know at this time. Mayor Booth said that he was troubled that the position of Water/Sewer Superintendent was eliminated. Mayor Booth stated that it was a high salary position that was eliminated by the Town Manager and once it was taken out of the baseline then the average salaries which were portioned were not in keeping with the spirit of the 3% that everyone thought they were approving. Mayor Booth said that it was the same kind of lack of disclosure that upsets the citizens of the Town. Mayor Booth commented that the citizens deserved better. Mayor Booth stated that if the Council passed a budget with the intent of a 3% salary increase then instead of playing games the salary increase should have been 3%. Mayor Booth said that the public expected better from the staff and the elected officials.

Councilmember Nunn commented that they should just tell the citizens that the water was unsafe and they were going to sell the water/sewer system.

Mayor Booth called for the vote which was 5 in favor of and 1 opposed. (Councilmember Donahue was opposed) Motion carried.

g. Recommend the Town of Kilmarnock invest \$82,000 in the start-up costs of the Kilmarnock Center of Rappahannock Community College. Funds to be sourced from the existing \$100,000 Streets (Town Centre Drive paved shoulder) line item in the capital portion of the FY2012 budget.

Vice-Mayor Smith said that the recommendation came from the Councilmembers who were at the meeting and heard the presentation.

ACTION: Councilmember Nunn made a motion to invest \$82,000 in the start-up costs of the

**Kilmarnock Center of Rappahannock
Community College and that the funds be
taken from the existing \$100,000 budgeted
for streets, seconded by Vice-Mayor Smith;**

DISCUSSION:

Councilmember Nunn advised that the President of RCC came and spoke to the Committee. Mrs. Nunn said that four Councilmembers were present. Mrs. Nunn advised that RCC had signed an eight-year lease for the old Sears building in Chesapeake Commons. Mrs. Nunn stated that they intended to make the building pretty by putting a new front on it. Mrs. Nunn said that it was going to be a technological whiz-bang that would have virtual classes. Mrs. Nunn advised that a person would be able to sit on Main Street and actually attend a class at the University of Mary Washington which was her old alma mater or Mary Baldwin College. Mrs. Nunn said that it was an amazing facility which would have three classrooms, a computer lab, a student lounge, a meeting room, and an occupational unit that would train people for jobs. Mrs. Nunn stated that RCC was going to meet the local business community on October 4th to find out what type of occupational training was needed in this area. Mrs. Nunn said that there would be 14 professors and adjuncts available and they would provide continuing education. Mrs. Nunn stated that every week RCC expected 150 college degree students plus an additional 1,000 students to use the facility which was a conservative estimate. Councilmember Nunn felt that this was the most amazing thing that could happen to the Town during this economic situation. Mrs. Nunn advised that the reason she decided to vote for investing the \$82,000 was because there had been a suggestion by one Councilmember who wanted to put full page ads in slick magazines costing anywhere from \$6,000 to \$12,000 in order to bring people to Town but with this facility people would be coming to the Town every year. Mrs. Nunn commented that there was no ad that could do that for the Town. Mrs. Nunn stated her feeling was that instead of investing \$10,000 a year for an advertisement they would be investing \$10,000 per year for something that would be a great economic boon to the Town. Mrs. Nunn advised that patrons would eat in Town, shop in Town, and spend their money in Town. Mrs. Nunn felt this was something that they should definitely do because the money was just sitting in an account earmarked for sidewalks at the Town Centre lot, which they were not even sure what they were going to do with, adding that getting into sidewalks was opening a whole new can of worms anyway.

Councilmember Bouslough advised that he was one of the four Councilmembers who attended the meeting and initially agreed with giving RCC the \$82,000 that Councilmember Nunn mentioned. Mr. Bouslough said that the presentation was great and he was very glad that the facility was coming to Kilmarnock. Mr. Bouslough stated that at the time he had not had the opportunity to discuss the issue with any of his constituents and since then had not had much

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time due to the death in his family to really check into it. Mr. Bouslough said that he did walk the street and make some phone calls to people whose incomes ranged from social security benefits to six figure salaries, and every one of them felt that \$82,000 was too much. Mr. Bouslough stated that they discussed the fact that RCC was getting \$82,000 from Lancaster County which had a budget of 20 million plus whereas the Town only had a budget of 3 million plus. Mr. Bouslough said the individuals that he spoke to felt that whatever figure the Town came up with should be pro-rated on the basis of the budget. Mr. Bouslough advised that he would have to vote along those lines.

Vice-Mayor Smith advised that as Chairman of the Economic Development Committee they spend a lot of time looking at what could be done to bring people to Kilmarnock. Mr. Smith said that in his opinion this was a captive audience and that they would be picking up 1,000 people and putting them right into the heart of Kilmarnock with the expectations of them needing gas, food, etc. Mr. Smith stated that he saw this as an initial investment with money coming back to the Town through BPOL taxes and money generated through the local merchants but more importantly this was going to be an awesome opportunity for the local merchants and hospital because it would increase the education of the individuals in the Town. Mr. Smith said that the businesses would have a larger pool of people that they could pick from as far as resources went. Mr. Smith stated that, like Councilmember Nunn had said, the Town would be looking at an annual cash out of around \$10,225 over an eight-year period which he saw as an excellent opportunity to invest in the Town.

Vice-Mayor Smith's comments received applause from the audience.

Councilmember Umphlett asked Councilmember Bouslough if the people he had talked to had given him a figure of what they thought was appropriate.

Councilmember Bouslough said that they thought it should be pro-rated in other words \$82,000 was to 20 million as x was to 3 million and suggested that maybe Mr. Smith could calculate that for them which generated laughter. Mr. Bouslough advised that the figure would be substantially less than \$82,000.

Councilmember Donahue advised that he did not receive the information until Friday evening around 5 o'clock and here it was Monday evening and he was being asked to vote to spend \$82,000 on two day's notice. Mr. Donahue stated that there was no time to be able to talk with people. Mr. Donahue said that RCC might be worthy of that amount or there might be a number out there somewhere but just as Councilmember Bouslough had stated they could not just throw \$82,000 out there without talking to the citizens first. Mr. Donahue stated that this was no different than when the Town was asked to spend \$40,000 to put the firehouse roof on. Mr. Donahue commented that did not get resolved at a

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single meeting even though they told Council that they needed the money right then.

Councilmember Nunn commented that was taken care of during a single meeting. Mrs. Nunn said that the fire department came and asked for it and Council gave it to them.

Councilmember Donahue said he just felt that they needed more time and asked if this had to be done right away. Mr. Donahue stated that Councilmember Nunn had said that RCC signed an eight-year lease so they were going to come to Kilmarnock. Mr. Donahue felt they should have come before Council prior to all of this and said that they needed the Town's financial help.

Councilmember Nunn replied that they came to the Economic Development Committee.

Councilmember Donahue reiterated that according to Councilmember Nunn they had already signed an eight-year lease and were committed to coming to Kilmarnock and wanted the Town to give them \$82,000 after the fact. Mr. Donahue said he thought that maybe they should just slow it down a little bit and talk about what the Town could do for them. Mr. Donahue stated he thought that they should talk to the people of Kilmarnock first to see what they thought and if RCC was an \$82,000 investment that they wanted to make in this Town. Mr. Donahue suggested that Council take another 30 days and address it at the next meeting. Mr. Donahue commented who knew what was going to happen adding that the citizens might say they want to invest \$100,000 or just \$20,000 but noted that a knee-jerk reaction to them coming to Town was premature. Mr. Donahue said that RCC was already getting tax credits for being in the Enterprise Zone.

Vice-Mayor Smith advised that they did not qualify for that.

Councilmember Donahue said that the owner of the shopping center did.

Councilmember Nunn replied that the owner already owned the building and it had to be a new business adding that he did not qualify for it either.

Councilmember Donahue said he just thought that all of this was premature.

Councilmember Nunn told Mr. Donahue that perhaps if he and the Mayor had been present at the meeting and heard Dr. Crowther speak then they would see things differently.

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Councilmember Donahue said that it made perfect sense to him to talk to the people first. Mr. Donahue stated that Council received the proposal on Friday afternoon after 5 pm and somehow was expected to act on it Monday night. Mr. Donahue commented that they wanted the Town to spend \$82,000 over the weekend without consulting with anyone.

Councilmember Nunn advised Mr. Donahue that the four Councilmembers who did go to the meeting had already discussed it adding that it was an action item and it was his prerogative to agree or disagree.

Councilmember Donahue said he was just saying that he felt that they needed more time to talk to the people of Kilmarnock before spending \$82,000 of their money.

Councilmember Bouslough asked for clarification from the Town Attorney. Mr. Bouslough stated that as he had said earlier in the meeting he had been reading Roberts Rules of Order and saw where there was an option to postpone a motion until a certain time. Mr. Bouslough asked how could that be introduced in this situation.

Town Attorney Stamm advised that he would have to get the permission of the person who made the motion to amend it unless the whole Council voted to take it under advisement. Mr. Stamm said that the best thing would be to get the person who made the motion and the person who seconded it to delay action until the next meeting if they would agree to do so.

Councilmember Bouslough asked Councilmember Nunn if he had her permission to do that.

Councilmember Nunn advised Mr. Bouslough that he certainly did not.

Councilmember Jones stated that the Lancaster Board of Supervisors had put up the \$50,000 and asked who put up the other money.

Vice-Mayor Smith replied that it was the Industrial Development Authority.

Councilmember Jones said that the Board of Supervisors only gave \$50,000 and then IDA gave \$32,000; however, the Town was expected to put up the whole \$82,000. Mr. Jones did not understand why the Town had to give that much when no one else did.

Vice-Mayor Smith replied that it was not a question of the Town having to do anything. Mr. Smith said that the question was if it was worth \$82,000

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to the Town to have an RCC campus in Kilmarnock, and he was saying “absolutely yes”.

Councilmember Jones said that the County was operating on a 20 million plus budget whereas the Town was operating on a 3 million dollar budget. Mr. Jones stated that he was in agreement to give them something but not \$82,000. Mr. Jones said that to make a decision right now regarding that amount was just too much to ask for and time was needed to make the appropriate decision.

Councilmember Umphlett was in agreement with Councilmember Jones.

Councilmember Nunn said then she would wait until the next meeting.

Councilmember Jones stated that he would prefer that they table it for sixty days because he would not be able to attend the next Council meeting.

Vice-Mayor Smith stated that the only problem was that time was of the essence because RCC had a deadline to meet. Mr. Smith said that they did not qualify for any Jesse Ball Dupont Foundation funding. Mr. Smith advised that they were trying to raise enough money to do the capital piece now.

Councilmember Bouslough advised that he had the information on total breakdown of the project. Mr. Bouslough stated that the building cost was \$515,000, equipment technology furnishings cost was \$560,000, signage was \$20,000, the annual operating budget was \$450,000, the Center Partners which were the Lancaster Community Investors was \$25,000, Lancaster Economic Development Authority was \$32,000, Lancaster Country was \$50,000, Virginia Community College System was \$250,000, Rappahannock Community College was not identified, Town of Kilmarnock was \$82,000, Jessie Ball Dupont Foundation was not identified and Other was not identified.

Mayor Booth asked why the annual operating cost would be included in the start-up cost.

Councilmember Bouslough said that was just what they were estimating the annual budget to be.

Mayor Booth advised that should not be calculated in start-up cost. Mayor Booth said that when Council was spending a great deal of the citizens' money he felt that there should be disclosure. Mr. Booth stated that he was troubled that this was presented to the Economic Development Committee on September 30th and headed for a vote this evening. Mr. Booth said that there was certainly not adequate time for appropriate disclosure to the citizens and residents of the Town. Mayor Booth stated that when the firehouse matter came up and

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deemed it provident to approve \$40,000 to put a new roof on the firehouse that matter was reported in the newspaper which allowed a great deal of resident absorption. Mayor Booth said that by withdrawing this motion and voting at a later date the same thing would happen. Mayor Booth stated that even the BPOL reductions were discussed for several months in the newspaper providing adequate disclosure. Mayor Booth said that this was what the citizens of the Town expected. Mayor Booth stated that he was a little surprised by some Councilmembers who seemed to support spending this amount of money so quickly this evening without adequate disclosure to the citizens and who were the same people who balked at spending the money for the firehouse project and the BPOL tax reduction which involved far less money. Mayor Booth said that it appeared by the discussion held that the Councilmembers were on the way to postponing the vote on this and he was encouraging that. Mayor Booth said that he would accept a motion from Mrs. Nunn to withdraw her previous motion.

Councilmember Nunn told the Mayor that he did not need a motion all she had to do was withdraw it.

Mayor Booth stated that it had been portrayed that this money was just sort of lying there in the Capital Improvement Budget for putting in sidewalks. Mayor Booth said that he did not even support the use of the money for sidewalks but noted that it was not just lying there. Mayor Booth advised that it came out of the Town's reserves for the purpose of figuring the surplus or deficit for each fiscal year. Mayor Booth said that the surplus that was projected which was between \$400,000 to \$500,000 for the last fiscal year was the surplus pursuant to the operating part of the budget. Mr. Booth stated that was the projected surplus the Town had at one time but with all the extra expenses he did not believe they were going to be so fortunate now. Mayor Booth wanted to remind everybody that the surplus was based on the operating budget and if there was a surplus involved with the operating budget it was returned to reserves at the end of the year. Mayor Booth said that either way the money was in the bank for reserves. Mayor Booth stated that it was not just loose money laying there that somebody needed to spend. Mayor Booth said it was taking the money out of the bank of the Town of Kilmarnock and spending the taxpayers' money. Mayor Booth stated that he just wanted to remind everybody of that. Mayor Booth said that he was delighted that the college was coming to Kilmarnock and noted that he graduated from RCC in 1983 with a two-year degree. Mayor Booth said that he was student president at RCC from 1981 to 1983. Mayor Booth reiterated that he was delighted that they were coming to Kilmarnock. Mayor Booth said that the presence of the educational institution was a great thing for the Town and he supported it one hundred percent and believed that some type of contribution on behalf of the Town was warranted but felt that \$82,000 was excessive and this was something that needed to be discussed with the citizens of the Town before a commitment was made.

Councilmember Donahue asked if anyone from the College was there at this meeting.

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Councilmember Donahue said that an appearance was made during a Committee meeting, and he wanted to know if someone was there to give their pitch to the full Council for the \$82,000.

Vice-Mayor Smith stated that Dr. Crowther was there to do that at the Committee meeting, and the entire Council was invited. Mr. Smith said he did not think she was made aware that this was an action item for tonight.

Councilmember Donahue said that for future reference maybe it would be better to have such issues addressed at the Council meeting before the public.

Councilmember Bouslough asked Councilmember Jones if he heard correctly that he was going to be absent from the next meeting.

Councilmember Jones replied that was correct. Mr. Jones said that he did support the college coming to Kilmarnock but wanted to hear more about it before he decided which way to vote. Mr. Jones said that he was in favor of contributing some money but not all \$82,000.

Councilmember Nunn withdrew her previous motion.

Mayor Booth said he felt that a sixty day waiting period would be appropriate so that Councilmember Jones could be present and for something of this gravity that involved so much money. Mayor Booth asked if there was a motion to that effect.

Vice-Mayor Smith stated that the college had projected an opening date of January, and he did not feel that an outcome at November's meeting would be of any benefit to them.

Mayor Booth commented that he did not think that anyone would look an \$82,000 gifthorse in the mouth.

Councilmember Nunn stated that they needed the money now in order to get the grant. Mrs. Nunn said that they were planning on opening their doors on January 21, 2012.

Mayor Booth said that his job was to be a wise steward of the citizens' money and not to adhere to RCC's schedule. Mayor Booth advised that RCC just might have to wait because Council was going to fairly vent this issue with the public. Mayor Booth said that he was not up for re-election in May but was glad that they had decided not to vote on this tonight because he would not want to be up for re-election in May after disbursing \$82,000 without any disclosure to the citizens.

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Councilmember Nunn asked Mayor Booth why he was bringing up re-election. Mrs. Nunn said that "if people want to elect someone they will elect someone and if they don't they won't". Mrs. Nunn advised that she was not going to run her life or her Council life worrying about whether or not she would be re-elected.

Mayor Booth stated that he wanted to clarify his remark by saying that he thought the citizens of this Town would look with chagrin upon this being railroaded through on a six-day timetable without being appropriately disclosed, vented, and discussed with them.

Councilmember Umphlett stated that it was her opinion that the vote should be held at the October Council meeting instead of waiting sixty days.

Councilmember Jones advised that RCC knew they were coming to Town before six days ago.

Councilmember Donahue stated that RCC's crisis was not their crisis.

Councilmember Nunn said that it was the Town's crisis.

Councilmember Donahue asked if this was the way that RCC was running their business.

Councilmember Bouslough made the following motion:

ACTION: Councilmember Bouslough made a motion that the issue regarding RCC be taken up at the November Council meeting, seconded by Councilmember Jones;

DISCUSSION:

Councilmember Donahue felt that Council should be sensitive to RCC's timeframe and hear this matter at the October Council meeting instead. Mr. Donahue stated that Councilmember Jones could make his views known during Committee meetings on how he would like to proceed with this issue.

Councilmember Umphlett agreed with Councilmember Donahue.

Councilmember Bouslough withdrew his previous motion.

ACTION: Councilmember Nunn made a motion to address RCC's request for an investment of \$82,000 from the Town in the form of a vote

**at the October 2011 Town Council meeting;
seconded by Councilmember Bouslough;**

DISCUSSION:

Mayor Booth advised that this did not need to be put in the form of a motion it could just be added to next month's agenda. Mayor Booth asked Councilmember Nunn if that would be alright with her.

Councilmember Nunn replied "sure".

Councilmember Nunn withdrew her previous motion.

7. Administrative Comments and Reports: Town Manager Saunders

A. Mary Ball Road CDBG Update

Town Manager Saunders reported that the never-ending Mary Ball Road Project was getting closer to an end. Mr. Saunders advised that Council had approved the lateral contract earlier and the contractor believed that he would be done with that portion of the project by the end of October. Mr. Saunders said at that point people would be hooked up to water/sewer. Mr. Saunders advised the mains and pumps were working so they were getting close to some resolution. Mr. Saunders stated that the rehab portion of the project was going a little more slowly than anticipated and noted that they were going to have some trouble meeting all of their deadlines. Mr. Saunders said that Mr. Sebra was working hard to try to keep them as close to schedule as possible.

B. VML Annual Conference

Town Manager Saunders stated that the VML Annual Conference was scheduled for October 2nd through the 5th in the west end of Richmond on Broad Street in Henrico. Mr. Saunders said that half of the Council had planned to attend. Mr. Saunders stated that the event was shaping up to be very worthwhile.

C. Replacement on Rehab Advisory Board

Town Manager Saunders stated that, although it was discussed earlier in the meeting, he wanted to advise Council that a replacement for former Councilmember Moubray needed to be selected for the Rehab Advisory Board and, even though Councilmember Nunn had said that she would accept the position, it was an appointment that had to come from Council.

ACTION: Councilmember Umphlett made a motion to select Councilmember Nunn to serve on the

Rehab Advisory Board, seconded by Councilmember Bouslough; and carried unanimously.

D. Appointment of Purchasing Agent

Town Manager Saunders advised that the Town Attorney insisted that someone formally be appointed as the purchasing agent for the Town which was generally him but he needed Council to make it official.

ACTION: Councilmember Nunn made a motion to appoint Town Manager Saunders as the Purchasing Agent for the Town of Kilmarnock, seconded by Councilmember Bouslough; and carried unanimously.

8. Old Business

Elect Vice-Mayor

ACTION: Councilmember Bouslough made a motion to reappoint William L. Smith to serve as Vice-Mayor, seconded by Councilmember Nunn; and carried unanimously.

9. New Business

Resolution in support of Constitution Week, requested by DAR

Mayor Booth stated that it appeared that they had a Resolution in support of Constitution Week for the Daughters of American Revolution.

Town Manager Saunders volunteered to read the Resolution.

Mayor Booth thanked Town Manager Saunders and told him to go ahead.

Town Manager Saunders read the Resolution. (See Attachment)

Mayor Booth stated that he thought a vote was needed to make it official.

Town Manager Saunders advised the Mayor that he could make the proclamation on his own but a vote would be nice.

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Councilmember Nunn advised Mayor Booth that they would let him make proclamations.

Mayor Booth told Town Manager Saunders that he of all people should know that if they gave him an inch he would take a mile which generated laughter. Mayor Booth said that he would be glad to handle the proclamation on his own.

Mayor Booth said that this would make him feel better and asked for an official copy of the Resolution to sign.

Town Manager Saunders advised that he would have it ready for him in the morning.

10. Council Comments

Mayor Booth asked if there were any Council comments.

Councilmember Jones stated that he would not be able to attend the Town Centre meeting on October 11th.

Councilmember Nunn advised that she would not be able to attend the meeting either because her daughter was getting married.

Councilmember Bouslough stated that he had several other meetings on that day but suggested that maybe they cancel that one since he would be the only one available.

Mayor Booth asked if it would be more meritorious to move the meeting than to strike it.

Councilmember Jones who chairs the Town Centre meeting decided to cancel the meeting for the month of October.

Mayor Booth made the announcement.

Councilmember Nunn advised that she needed to cancel the Water/Sewer meeting or move it up because she would not be able to attend on October 11th.

Councilmember Nunn and Councilmember Bouslough decided to move the Water/Sewer meeting to October 7th at 9:30 am following the Admin/Finance meeting.

Mayor Booth made the announcement.

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Town Manager Saunders advised because October 10th was a holiday, he had shifted Police and Public Safety and Emergency Preparedness meetings to October 11th but commented that Councilmember Donahue and Councilmember Umphlett could make any changes that they deemed necessary. Mr. Saunders advised that the Planning Commission had decided not to have a meeting in October.

11. Adjournment

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

Meeting adjourned at 9:02 pm

Prepared by:

Joan N. Kent

Raymond C. Booth, Jr., Mayor

Jacqueline L. Blencowe, Clerk