

October 17, 2011

**KILMARNOCK TOWN COUNCIL
Monday, October 17, 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
Rebecca Nunn
Mae Umphlett

Members Absent:
Paul S. Jones

Staff Present:
Tom Saunders, Town Mgr.
Susan Cockrell, Asst. Town Mgr.
Marshall Sebra, Zoning Administrator/Town Planner
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.

2. Acceptance and Approval of Agenda

Councilmember Nunn advised that due to the large number of people who were in attendance in regards to the funding request made by Rappahannock Community College she wanted to amend the agenda so that this issue, which was currently listed under Old Business, could be heard following the Public Forum.

ACTION: Councilmember Nunn made a motion to amend the October 17, 2011 Town Council agenda by moving the discussion regarding funding for Rappahannock Community

College listed under Old Business to follow Public Forum, seconded by Vice-Mayor Smith; and carried unanimously.

3. Minutes: Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held September 19, 2011.

Councilmember Nunn requested a correction on page 9 stating that the dollar figure collected in donations for the dog park was \$10,500 instead of \$10,000. Councilmember Nunn continued and read from the last paragraph on page 13 which said "Mr. Smith stated that Town Attorney Stamm rendered his opinion that the Committee and Vice-Mayor assignments would be made annually based on the Code of VA, the silence of the Town's Charter, and historic precedence". Mrs. Nunn advised the Town's Charter was not silent in this regard and it stated that the Vice-Mayor should be named after each "regular municipal election". Therefore, the Vice-Mayor should serve for two years but Mrs. Nunn added that they had always done it annually. Mrs. Nunn said she just wanted to point out that the Town's Charter was not silent regarding this issue.

Mayor Booth advised Councilmember Nunn that with regards to the Charter, the minutes reflected what was actually said. Mayor Booth thought that they may be getting into an issue of interpreting codes.

Councilmember Nunn confirmed that the minutes did reflect what was actually said but added that she was just putting it out there that the Charter was not silent.

ACTION: Councilmember Nunn made a motion to approve the September 19, 2011 Town Council Minutes with one amendment pertaining to the dog park dollar figure of \$10,500, seconded by Vice-Mayor Smith; 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.

1) Mr. Howard Straughan of 460 Kenmore Avenue, Kilmarnock, VA, spoke in favor of the Kilmarnock Rappahannock Community College Center saying that it was one of the most highly significant economic events that had happened to Kilmarnock since Rappahannock General Hospital located there. Mr. Straughan

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said that they should be welcomed with open arms and the Town should be doing everything they could to foster getting it up and going especially by contributing the \$82,000 that they had requested. Mr. Straughan said that the Town would recover most of that amount from the meals tax alone. Mr. Straughan advised that even if they did not it paled in comparison to the BPOL tax reduction that was so generously given during a Council meeting several months ago which he said would cost the Town over \$400,000 during an eight year period. Mr. Straughan commented that was a lot of money and a big difference from \$82,000. Mr. Straughan stated that the center would provide on-going modified support training for the personnel of the Bank of Lancaster, Chesapeake Bank, the hospital and the Town. Mr. Straughan said that the center would draw over a hundred people a day which would be an enormous influx in the Town. Mr. Straughan encouraged Council to think about the meals that they would buy and the shopping they would do. Mr. Straughan estimated that the Town would probably collect \$40,000 to \$75,000 over the eight-year period. Mr. Straughan strongly recommended that Council pass the funding request.

2) Dr. Jack Russell, member of the Lancaster County Board of Supervisors, of 83 Kingfisher Circle, Weems, VA, stated that when he first moved to the area, he did not receive any mail for four months and thought that he was living in Kilmarnock. Dr. Russell said when he finally did get mail he found out he lived in Weems, which generated laughter. Doctor Russell stated that the RCC Center was about the future of Lancaster County and the Northern Neck which would attract businesses and retirees, increase productivity of workers, help develop entrepreneurs, make existing businesses more productive, and increase availability of the workforce. Dr. Russell said that in the last six months he had been involved in the Visions Economic Development Task Force plus meeting with state officials and with the Virginia Economic Development Partnership who told him that in the last five years there had been twenty-two industries that had been interested in locating in Lancaster County and the Northern Neck. Dr. Russell continued by saying that in the last two years there had been five industries specifically interested in Lancaster County and noted that a couple of them were technology oriented. Dr. Russell advised that there were two reasons that these businesses decided not to come to the area which were skills of the work force and infrastructure. Dr. Russell stated that it was very important to support the college because it was going to show everyone that they were serious about economic development. Dr. Russell said that he had been told by the Lt. Governor during some of their meetings that the attitude or thinking of the State Economic Development personnel was that the Northern Neck and Lancaster County were not interested in economic development. Dr. Russell felt that if the RCC Center came there it would show them that they were. Dr. Russell commented that as a county official, he knew about money situations but stated that one had to pay to play when talking about economic development.

3) Mr. Jimmy Carter of Irvington, VA, began by saying that, although he was an Irvington resident, he had a real estate business in Kilmarnock. Mr.

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Carter advised that he had been in the real estate business in the area for 42 years. Mr. Carter stated that just as Dr. Russell had said they did not have a lot of industry in the area and added that real estate was really the driver. Mr. Carter said that there were a lot of waterfront counties but what made Lancaster different from them was the infrastructure. Mr. Carter recalled that in looking back, the Tide's Inn was an important event which made the statement that they lived in the country but not in the sticks and it attracted retirees to the area. Mr. Carter added that the hospital was also important in attracting retirees because they felt that they could move to the area and be taken care of. Mr. Carter said that he felt the same way about the RCC Center and added that what was good for the real estate industry was good for Kilmarnock. Mr. Carter urged Council to support the funding because it would be an investment that the Town would look back on and say it was a good thing that they did.

Mayor Booth noted that Mr. Wayne Nunnally (Candidate for Commonwealth's Attorney) was next on the list to speak and asked if the comments he was going to make concerned Town business or if they were of a political nature.

Mr. Nunnally replied that his comments concerned Town business and walked to the podium.

4) Mr. Wayne Nunnally of 183 King Carter Drive, Irvington, VA, stated that he was in support of funding the RCC Center because an educated population did not produce as much crime as an uneducated population and as a candidate for Commonwealth's Attorney he was concerned about that. Mr. Nunnally said that as a candidate for Commonwealth's Attorney he would be partnering with the Town's police force and wanted to know if Council had any concerns with that partnership that needed to be addressed.

Mayor Booth commented that that Mr. Nunnally's statements sounded pretty good and added that he just wanted to make sure that it was not all political, which generated laughter from the audience and Council.

Councilmember Donahue asked Mr. Nunnally to repeat what his position was on the college because he did not hear him.

Mr. Nunnally reiterated that he was in support of it because an educated population committed less crime which would give him less to do as Commonwealth's Attorney, which also generated laughter.

5) Mrs. Joni Carter of Irvington, VA, stated that she was the new Executive Director of Visions which was an organization funded by the Jesse Ball DuPont Foundation. Mrs. Carter stated that her job was to reduce poverty and improve lives. Mrs. Carter said that there were two major ways that this could be accomplished which were educational obtainment and economic opportunities.

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Mrs. Carter felt that the community college would knock out two birds with one stone. Mrs. Carter said that it was a very positive thing and that Town residents would benefit from it. Mrs. Carter advised that older people were now traveling to the Warsaw and Glens Campus to take classes and she felt this older population as well as the young would participate at the Kilmarnock Campus. Mrs. Carter stated that she looked up studies conducted regarding community colleges and the economic effect they had on the communities where they had opened. Mrs. Carter advised that what she found was that for every three students a job opportunity occurred. Mrs. Carter thought that one new job per every three students was awesome in terms of promoting economic development. Mrs. Carter urged Council to support the community college and change the community that they lived in.

6) Ms. Sonja Headley of 83 Third Avenue, Kilmarnock, VA, stated that she was glad to be at the Council meeting with a positive message. Ms. Headley said that she was also for RCC coming to Kilmarnock. Ms. Headley thought it was a beautiful solution that addressed many, many issues and offered many, many benefits both direct and potential. Ms. Headley said the primary benefit would be that it was an investment for the children. Ms. Headley advised that she worked at the Mission Center in Lancaster with workforce enhancement for a while and there were kids that came in with no home. Ms. Headley said that the college was accessible in a way that if their parents would support them with transportation and they had the mode to get there, Kilmarnock would be so much closer for the children of Lancaster County. Ms. Headley said that the college would be available, accessible and give them hope. Ms. Headley added that maybe the college would consider collaborating with the Boys and Girls Club who were also doing a wonderful thing by looking after children and giving them opportunities. Ms. Headley said that more jobs would be created from additional RCC staff and goods and services that the college would need. Ms. Headley stated that it would increase revenue to the local businesses and real estate. Ms. Headley said that it would act as a natural Segway for more business opportunities and entrepreneurs to come to the area. Ms. Headley advised that she had dreams of the Town collaborating with some of the universities to study green technology and the new wind and solar alternative energies. Ms. Headley thought that the college would bring more quiet businesses that would not disrupt but would provide many opportunities to children. Ms. Headley commented that the children were the future of the Town and the county. Ms. Headley said that she worked for VIDA and could get all of the Governor's press releases. Ms. Headley stated that she was constantly reading about all of the new jobs going to Lawrenceville and other rural areas in the state and asked why not here? Ms. Headley said that they had mountains which were an obstacle whereas there were waterways here that could serve them in so many ways. Ms. Headley stated that there was so much that could be brought to this area if the door was just opened. Ms. Headley said that the area was a wonderful corridor to a lot of permanent benefits. Ms. Headley stated that maybe another technical school would follow. Ms. Headley said that they needed to give the children opportunities. Ms. Headley commented that at a

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young age, she was able to discern that Lancaster was an “old boys” county and Kilmarnock was an “old boys” town which caused her to want to leave. Ms. Headley advised that she graduated from high school and left the area in 1969. Ms. Headley said that she returned in 2001 to find that everything was pretty much the same. Ms. Headley commented that Kilmarnock finally had a McDonalds and a Wal-Mart.

Mayor Booth gave Ms. Headley a 30 second warning that her time was up.

Ms. Headley replied that she was done.

Mayor Booth thanked Ms. Headley for her comments.

7) Mr. Les Spivey of 58 East Church Street, Kilmarnock, VA, stated that everyone else had already said a lot of the same things that he had come to say. Mr. Spivey commented that he was glad to see so many people come out in support of the college. Mr. Spivey suggested that the Town contribute more than the \$82,000 requested, which generated laughter. Mr. Spivey said that it was a once in a lifetime opportunity that seemed to be referred to as a “tipping point” when things changed locally. Mr. Spivey believed this was the most important tipping point that this Town would ever see adding that the hospital was another and noted that some even considered Wal-Mart a tipping point but added that maybe it tipped the wrong way. Mr. Spivey encouraged the Council to support the community college and appropriate the money requested so they could start their mission there.

8) Ms. Linda Small of 18 Dixie Avenue, Kilmarnock, VA, informed Council that she wanted to speak on a different issue. Ms. Small advised that she was a walker and a biker. Ms. Small added that one of her neighbors was a paraplegic in a wheel chair and that there were several children in her neighborhood who rode in carriages or baby strollers. Ms. Small stated that they all had a problem with Councilmember Donahue’s sign being on the sidewalk at the Entertainment Center. Ms. Small advised that she complained many times to the Town Office only for the sign to be taken off the sidewalk for 30 days or so and then recently put back on. Ms. Small said that the sign blocked most of the sidewalk leaving only 22 inches to get around it without having to go out into the road. Ms. Small stated that Mr. Donahue owned a parking lot that he could put the sign in so that the paraplegic could get through, adding that she thought it was a damn shame that people in wheel chairs or pushing baby carriages could not get through. Ms. Small finalized by telling Mr. Donahue to move the sign so people could use the sidewalk and then exited the building.

9) Mr. Jeff Szyperski, CEO of Chesapeake Bank, of 260 Sandy Drive, Weems, VA, stated that he represented one of the largest employers in Town and thought the bank to be one of the largest taxpayers as well. Mr.

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Szyperski encouraged Council to fully support the funding on the table. Mr. Szyperski said that as an employer it was a lot easier for an organization to attract and retain people in the job market with workforce education. Mr. Szyperski advised that RCC had done a great job with workforce education locally and a local campus would make a huge difference for their organization. Mr. Szyperski saw this as a watershed moment for the Town and would love for the Town to just open their arms and fully embrace RCC. Mr. Szyperski noted that it was truly a once in a lifetime opportunity for the Town to step forward into the workforce initiative. Mr. Szyperski read a letter from Mr. Paul Sciacchitano of Well's Fargo Securities which said that RCC coming to Kilmarnock was one of the most exciting and fortunate events in the life of our community. Mr. Sciacchitano wrote that he had worked in Kilmarnock for 17 years and viewed this event as the most significant that he had ever witnessed. The letter continued that during this time of economic stress having an entity coming that would not only provide professional jobs but would also educate our children was an enormous benefit to the community. Mr. Sciacchitano wrote that he hoped Town Council would embrace the benefits and show support and commitment for this important business and educational partner by approving the requested amount.

10) Mr. Ken Bransford representing the Bank of Lancaster of 42 West Drive, Kilmarnock, VA, commented that the meeting had started off with doctors with PHD's standing up to speak and admitted that he had been a little intimidated until he saw Mr. Szyperski get up, adding that now he was not so worried about it. (This statement generated laughter.) Mr. Bransford thanked Councilmembers for their service and added that he too had once sat where they were sitting and knew what they had to endure. Mr. Bransford commented that with every decision they made somebody went away happy and others went away mad. Mr. Bransford stated that he thought Council had an opportunity to make a decision concerning RCC that was going to be good for everyone. Mr. Bransford said that he did not think Council would receive any negative feedback back because the college was something that was needed. Mr. Bransford advised that the Bank of Lancaster had used RCC for about 35 to 40 years to help train their staff and noted that they had just been fantastic. Mr. Bransford said for RCC to come to Kilmarnock would be such a big benefit to them and the Town. Mr. Bransford stated that, in looking around the room, he thought most of the big taxpayers were there. Mr. Bransford urged Council to support RCC. Mr. Bransford finalized by making a quick introduction of Mr. Randy Green, the Bank of Lancaster's new President and CEO.

There was applause for Mr. Green, and Mayor Booth said that it was good to meet him and have him at the Council meeting.

11) Mr. Emerson Gravatt of 315 Irvington Road, Kilmarnock, VA, stated that he was a resident of Kilmarnock. Mr. Gravatt said that he was born in Richmond and two days later was at the Wells Fargo House on Main Street which generated laughter. Mr. Gravatt advised that when he was young he and his

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brother used to count traffic on Main Street on Saturday mornings. Mr. Gravatt recalled that in a two-hour period they might have counted five cars coming into Town and three going out, adding that a lot had changed. Mr. Gravatt said that he was in support of RCC and the Town partnering with the other contributors for their capital needs. Mr. Gravatt advised that bringing the students, their parents, professors and the RCC staff to Kilmarnock for employment and educational needs would benefit everyone including the merchants, shopping centers, retail stores, and the entertainment center. Mr. Gravatt finalized by saying that he hoped that one Councilmember would make the motion to approve the request for the \$82,000 in funding and that Council would vote on the issue this evening.

12) Mr. Greg Williams of 241 Waterview Point, Weems, VA, stated that he and his wife owned a business in Kilmarnock called M-Teq. Mr. Williams advised that he was there to speak in favor of the community college and said that they were a large product consumer of the school. Mr. Williams stated that at one time their business was located in Northumberland and went on to say that about 4 to 5 years ago they started working with Kilmarnock getting some good advice from Councilmembers and a former Town Manager who coached them into moving their business to the Town. Mr. Williams said that they bought into the Town's vision of Technology Park. Mr. Williams stated that then they had 15 employees, big plans, and needed a little bit of help. Mr. Williams said that the Town was very helpful with the zoning approval process and educating them on the enterprise zone. Mr. Williams advised that he had some help from the local banks in getting their start and added that the third leg in the process was the educators. Mr. Williams stated that they did not realize how important education was going to be until they started becoming successful. Mr. Williams fast forwarded to today where they occupy three buildings in Tech Park with 75 employees whom he referred to as smart folks such as electronic technicians and senior engineers. Mr. Williams said that at first he got his employees locally adding that a lot of smart people came out of the woodwork. Mr. Williams stated that he thought they had exhausted all of those folks, which generated laughter. Mr. Williams said that then they had to start recruiting externally and brought about a dozen people into the community. Mr. Williams stated that was when they started working with Rappahannock Community College who got them involved in their co-op and intern program. Mr. Williams advised that there were probably a half dozen to a dozen RCC interns who became M-Teq employees and went on to become supervisors. Mr. Williams reiterated that they were a consumer of the product and noted that one of the biggest challenges they had was keeping the folks trained and up to date with certifications. Mr. Williams said that a workforce program and a training program would be very important to them and having a campus just around the corner would be great. Mr. Williams finalized by saying that he too urged Council to favorably consider the Kilmarnock campus.

13) Dr. Sissy Crowther, President of RCC, stated that she had the pleasure of speaking with the Town's Economic Development Committee and giving them the details about the college move to Kilmarnock along with the things

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that they hoped to accomplish. Dr. Crowther commented that RCC was very excited about coming to the Town, adding that they were definitely coming. Dr. Crowther stated that the college had grown 53% in six years and now had over 5,100 credit students plus 2,000 workforce students. Dr. Crowther stated that substantial renovations were going on at both the Warsaw and Glens campuses at this time. Dr. Crowther said that they were serving more in the counties, looking to fill gaps, and looking to be an even stronger partner in the workforce sector by creating, nurturing and sustaining jobs within the community. Dr. Crowther stated that RCC had chosen to come to Kilmarnock because of the substantial growth. Dr. Crowther said that they were partnering in the growth areas on the edge of the service regions like Dahlgren, King George, Gloucester, and New Kent but it was her impression that they could do as much or even more by serving the core area where there were systemic problems with fading middle class job creation by sustaining jobs in the area and proving to the employers coming in that there was a workforce and an entity that could train them. Dr. Crowther said that 53% of Lancaster County residents who were involved in higher education were at RCC and over 60% of Northumberland County residents who were involved in higher education were at RCC. Dr. Crowther stated that they were serving fairly well now but felt that they could serve even better and in a way that changed the dynamics of the workforce in the community. Dr. Crowther said that they wanted a presence in Kilmarnock that was substantial and comprehensive with most of the opportunities that were available at other campuses and with a particular emphasis on the workforce. Dr. Crowther commented that she knew that Council had thought about the quantifying of benefits with the college coming to Town such as meals, gasoline, and retail activity. Dr. Crowther advised that they were taking a vacated space, renovating it, and turning it into a high use area. Dr. Crowther predicted that the college would be a lone economic catalyst. Dr. Crowther advised that there was a chance for the Town to join the momentum and to get involved with the emotional support. Dr. Crowther stated that things were happening now in partnership with Lancaster, Northumberland and others throughout the Northern Neck that she thought could never happen in terms of businesses working with other businesses, working with educational entities, foundations, and government. Dr. Crowther felt that they were on the verge of benefits in the locality that had never been seen before. Dr. Crowther wanted to encourage the Town to look favorably on the full amount of funding requested for this project for many reasons. By doing so, Dr. Crowther said it would make the Town a strong partner in the project and added that right now the dynamic consisted of county funding, state funding, college funding and foundation funding adding that the college would be right in the middle of Kilmarnock. Dr. Crowther said that Jesse Ball DuPont Foundation would look more favorably at them if they saw that not only the county, state, college, and others had entered into the funding of this opportunity, but that the Town had as well. Dr. Crowther noted that the symbolic was just as important as the amount. Dr. Crowther advised that the big question to answer was why \$82,000 and not \$100,000 or \$60,000. Dr. Crowther said that they had created a budget to see what it would take to locate in Kilmarnock well. Dr. Crowther stated that the budget would allow them to have the technology, infrastructure, space

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arrangement, and equipment needed to really serve the workforce well and to provide the accredited instruction. Dr. Crowther advised that early on the Lancaster Economic Development Authority came aboard enthusiastically with \$32,000 saying please come fast and come well. Dr. Crowther said then the County of Lancaster kicked in enthusiastically saying here is another \$50,000 to come here and come well. Dr. Crowther stated they were going to get a grant from the VA Community College System for \$250,000 because they were told that this was one of the most important economic development opportunities they had ever had. Dr. Crowther said that they were going to a lot of partners such as the Jesse Ball DuPont Foundation to get a grant for the technology, infrastructure and the equipment that it would take to support the business and credit program. Dr. Crowther stated that they were building up to a million dollar project so when she threw out the figure of \$82,000 she did not just do it to say please do what the county did but thought it was a fair amount to ask for since the Town would benefit directly from the taxes that would come from using the site for this million dollar project. Dr. Crowther hoped that she was offering the Town a really good choice of what to do with the funds that they had in their Capital Improvement Budget in a way that would benefit most folks. Dr. Crowther said that she felt the best use of the \$100,000 in the Town's Capital Improvement Budget would be for this project because it would give back in excess of that after two years with a moderate estimate of activity at the site. Dr. Crowther advised that if the options were to keep the money in the bank with little to no interest, to build a sidewalk on Town Centre Drive, or to invest in the college which would pay them back then she would have to say to please invest in the college. Dr. Crowther looked toward Mr. Les Spivey who was seated in the audience and advised that they would take the \$100,000 which generated laughter. Dr. Crowther finalized by saying that the benefit was going to be huge to the Town and added that RCC would be there for the long run.

Mayor Booth thanked Dr. Crowther and wanted her to note that he did not keep the clock on her comments, which generated laughter.

14) Mr. David Alberts of 45 Millenbeck Road in Lancaster, VA, stated that he was speaking as a retired old fart that had spent most of his life serving as a community economic development professional. Mr. Alberts said that he and his wife had just taken a trip to a town that he had worked on thirty three years ago where it took ten years to complete the community development. Mr. Alberts stated that the Town had now tripled in size and was full of a tremendous amount of energy. Mr. Alberts recalled that when he first started work there he was trying to decide what to do. Mr. Alberts simply wanted to say that if they wanted to give him the opportunity to put \$82,000 into an investment that would provide a full return in a short period of time with additional business taxes and additional businesses coming in then he would take it. Mr. Alberts stated that while he was on that short vacation last week he got a call from an individual who wanted to open a restaurant in Town because he had heard about the community college coming and wanted to be a part of that. Mr. Alberts said that just before coming to the meeting he and his wife drove around Town looking at the shopping centers

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and the vacancies. Mr. Alberts said that as a community development professional he recommended that the Town give the college the \$82,000 or even more.

That being the last comment, Mayor Booth closed the public forum.

ACTION: Councilmember Nunn made the motion to grant the request from Rappahannock Community College for funding assistance in the amount of \$82,000 for the Kilmarnock Rappahannock Community College Center, seconded by Vice-Mayor Smith;

DISCUSSION:

Councilmember Bouslough advised that he was new to Council, noting that this was only his third meeting. Mr. Bouslough stated that he wished he had heard from everyone months and months ago although admitted that he did not know how long this had been in the planning stage. Mr. Bouslough advised that it was not a question of voting for or against the college. Mr. Bouslough said that, after the vote on this was postponed at the last meeting so that Councilmembers could go out and get the opinion of the people in the community, he spoke to citizens who were in favor of the college coming to Kilmarnock but who questioned the amount of money to be contributed by the Town. Mr. Bouslough said that it was a 15 to 1 ratio of people who wanted to contribute less than \$82,000. Mr. Bouslough stated that the question was not about the value of the college coming to Kilmarnock or it being the right or wrong thing. Mr. Bouslough said that it was definitely the right thing and he was in favor of it. Mr. Bouslough advised that his problem was that the people that he spoke to about this had concerns about the amount requested and the Town's finances. Mr. Bouslough said in that regard he would not be voting for the full amount. Mr. Bouslough felt one hundred percent confident that there would be sufficient votes and the motion would pass but added that he just wished that there had been more time to educate the rest of the citizens on the value of this project which might have resulted in them changing their minds. Mr. Bouslough finalized by saying that he was sure the vote was going to pass but he could not vote in favor of the requested amount.

Councilmember Nunn reported that she personally spoke with 34 individuals and only one person, who did not live in Town, was opposed to this. Mrs. Nunn stated that this particular individual was opposed to government giving money to anyone; however, he did say that if money had to be given towards something then it should be given to education. Mrs. Nunn recalled that last month there were a few Councilmembers who wanted to hear from the citizens of Kilmarnock what they thought about Council making an \$82,000 grant to RCC. Mrs. Nunn stated that the citizens had spoken and were for it one hundred percent.

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Mrs. Nunn said that times had changed and where communities needed to attract businesses there was now a need to attract people. Mrs. Nunn stated that they needed to expand their physical and cultural activities. Mrs. Nunn said that they needed to provide resources for people to learn and they needed to form partnerships with businesses. Mrs. Nunn advised that in these sad economic times the opportunity for all of the above had been handed to Kilmarnock on a platter by Rappahannock Community College. Mrs. Nunn said that in order to become global in these new changing times, municipalities must support innovations and education. Mrs. Nunn stated that this fantastic ability availed to the Town by the college plus the economic bonuses that it would bring could not be achieved with any amount of advertising. Mrs. Nunn said that the students and the facility would be eating in the restaurants, shopping in the stores, buying gasoline at gas stations and purchasing groceries on their way home. Mrs. Nunn stated that the influx of new business and customers to the merchants would surely be welcomed. Mrs. Nunn said that an additional bonus would be the added income generated for the Town through increased BPOL and meals taxes which would help to overcome the shortfall resulting from the recently passed reduction in BPOL revenues. Mrs. Nunn stated that the community and stressed the word "community" college needed startup money as did any revenue generating business. Mrs. Nunn advised that it was incumbent upon the community to provide financial support. Mrs. Nunn commented that the argument that RCC had already signed a lease and were coming anyway did not hold water. Mrs. Nunn said that RCC had made a commitment but they had to have the money to do this. Mrs. Nunn advised that Kilmarnock stood to benefit the most, far more than the county, which would only gain sales tax receipts. Mrs. Nunn stated that RCC had received promises from Lancaster County Economic Development and other sources and were requesting \$82,000 from the Town of Kilmarnock. Mrs. Nunn said that with the eight-year lease that they had signed the cost to the Town would average a little over \$10,000 a year and she believed Councilmember Smith, who was an accountant, had corrected her and said that it would be \$10,225 per year which was just slightly more than the cost of one full page ad in a slick travel magazine with no guarantee that it would bring anyone to Town. Mrs. Nunn advised that, in addition to the revenue the campus would generate, it would also make the Town an even better place to live and to shop as well as add to the long list of amenities Kilmarnock already offered. Mrs. Nunn stated that this was a win-win situation for both the Town businesses and for Rappahannock Community College. Mrs. Nunn reiterated that she had spoken to 30 Town residents and they were all excited about the college and every one of them with the exception of one was in agreement that Council should honor the college's full request for financial assistance. Mrs. Nunn stated that she recently attended a VML Conference in Richmond and spoke with other elected officials there. Mrs. Nunn said that there was such excitement about Kilmarnock getting a community college. Mrs. Nunn advised that everyone she spoke with there had told her that the Town needed to do anything that they could to help the college. Mrs. Nunn stated that as a Council they must leverage a key asset. Mrs. Nunn said that they must prioritize their investments and public services and unlock their economic potential by focusing

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on their collective responsibilities to the next generation. Mrs. Nunn stated that if they could educate the young and train them to work here they would stay here. Mrs. Nunn advised that old strategies did not work anymore. Mrs. Nunn said that today was the time for networking, linking, and leveraging and leaders had to realize the new realities in economic development. Mrs. Nunn stated that Council's decision must not be a political one but should be one for which they were all elected or appointed. Mrs. Nunn said that Council's decision should be for the betterment of the Town and community. Mrs. Nunn advised that RCC could have gone to any town but they chose Kilmarnock and the Town Council had the ability, and in her opinion the obligation, to make their campus a reality. Mrs. Nunn noted that John Quincy Adams once said "If your actions inspire others to dream more, to learn more, and to become more, you are a leader". Mrs. Nunn finalized by saying that she hoped that they, as Councilmembers, stepped up to the plate as leaders by voting to invest \$82,000 in the future of their young people and their community. (There was applause from the audience.)

Councilmember Donahue stated that going back to thirty days ago when there was discussion over the \$82,000 the concern that many of the Councilmembers had was had they done their due diligence. Mr. Donahue thought that now they had. Councilmember Donahue stated that he applauded Council for delaying the vote, taking the time to talk to the citizens of the Town and making sure that they were prudent in their investment in the community college coming there. Mr. Donahue said that almost everyone on Council thought it was the right thing to do but needed the time to make sure because it was the Kilmarnock taxpayers' dollars they were spending. Mr. Donahue stated he thought that they were doing the right thing. Mr. Donahue said that citizens wanted a Councilmember to say they were not sure and they wanted to challenge Council to make sure that those dollars should be spent. Mr. Donahue stated that if collectively they had decided that was where they should go then God bless and move forward by embracing the college. Mr. Donahue said that the citizens elected them to challenge everything that came before Council regarding the dollars that they spend. Mr. Donahue stated that he applauded the college for coming here. Mr. Donahue said that he was glad the vote had been delayed because not all of them agreed on an amount but everyone embraced the college. Mr. Donahue jokingly asked Town Attorney Stamm for his opinion on whether he could participate in the vote because he owned businesses in Town and according to Councilmember Nunn there was going to be a windfall profit for all because of the new revenue generated by the college. (This statement generated laughter.)

Town Attorney Stamm assured Mr. Donahue that he could vote because he didn't have a direct interest.

Councilmember Donahue said that he thought it was wonderful that the college was coming. Mr. Donahue advised that he was the one who had said to write a letter endorsed by the Mayor to the college telling them that Kilmarnock wanted them there. (There was applause from audience.)

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Vice-Mayor Smith advised that the \$82,000 sitting in the Reserve Fund was drawing a rate of return of .00465 which was less than a half of a percent on an annual basis. Mr. Smith said that on an annual basis the \$82,000 was earning the Town \$381. Mr. Smith stated that RCC would bring economic stimulus to many local merchants because the students and the staff would eat, buy gas, buy groceries, and shop while they were in Town. Mr. Smith said that the investment would pay for itself through additional revenues that the Town would receive. Mr. Smith stated that the spread sheets that he had worked up and sent out to everyone, in his opinion, were somewhat conservative but showed that within seven years the Town would actually generate the return of the \$82,000 through the meals tax. Mr. Smith said that it was no surprise to any of them that local businesses were closing. Mr. Smith stated that if the Town did not have amenities and incentives then there was no real reason for new businesses to come there. Mr. Smith said that if the revenue streams from the business sector fell short, then the Town residents would be affected by either having to pay additional taxes or losing some of the services or benefits that they had today. Mr. Smith said that the community college would assist local employers in educating and preparing students with necessary skills that hopefully existing, and future, potential businesses would require. Mr. Smith advised that there was no better economic stimulus that would bring additional people to Town and help increase education and skill levels of a resident there or in surrounding counties. Mr. Smith said that some might argue that the community college was already coming so why should the Town give them anything. Mr. Smith acknowledged that it was true that they were coming; however, if they did not get the \$82,000 that they were requesting from the Town, then they would have to get it from somewhere else which would result in delays, additional costs, reduced services, etc. Mr. Smith advised that if they were unable to get it from anywhere else then they would have to come less than prepared. Vice-Mayor Smith said that Council should give the community college their complete support when they were trying to strengthen the Town. Mr. Smith felt that it was important that they be a strong and supporting partner to their friends at RCC and make this investment to the community college and in doing so they were helping their residents, businesses, the Town, and community. Mr. Smith finalized by saying that he hoped that his fellow Councilmembers would see clear to support this \$82,000 request.

Mayor Booth stated that by having five Councilmembers present, he knew that he would not have the opportunity to vote on the motion. Mayor Booth wanted to applaud everyone who had been involved with the RCC initiative and their enthusiasm. Mayor Booth wanted to share what he had garnered from the citizens of the Town. Mayor Booth commented that he must have spoken to a whole different group of people than Councilmember Nunn did. Mayor Booth said that if he could best describe the interaction that he had with the citizens of Kilmarnock he would put 50% on one side who supported giving the whole \$82,000 or giving none of it. Mayor Booth stated that it seemed that some of the population supported no appropriation but added that it was very, very close.

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Mayor Booth said that the other 50% all supported the premise of RCC coming to Town as well as some appropriation but added that the numbers were all over the board. Mayor Booth thought it was fair to say that the vast majority of the citizens in the Town supported this initiative but not the full \$82,000. Mayor Booth advised that some made the argument that the \$82,000 contribution was disproportionate based upon the Town's budget in context to the amount given by the county. Mayor Booth stated that was the only argument. Mayor Booth said that he was very excited about RCC and it had his full support. Mayor Booth stated that the difference with him was only in the numbers. Mayor Booth said for the record he did not support an appropriation of any more than \$40,000 or one half of the full amount proposed. Mayor Booth advised that if he was able to vote on the matter, it would be to that effect because it seemed to be the will of the taxpayers that he talked to.

Councilmember Umphlett stated that when making her decision on how to vote, she attended all of the meetings, talked with citizens and business owners, and thought long and hard on it. Mrs. Umphlett stated that she initially agreed with giving the \$82,000 during the Committee meeting but after a conversation with Councilmember Bouslough she thought that they needed to step back a little and think it through some more. Mrs. Umphlett stated that she talked with a lot of people and not one person was against the \$82,000. Mrs. Umphlett said that she could not come up with one reason why not to give the college the full amount of their request. Mrs. Umphlett stated that she thought it would be worth it. Mrs. Umphlett wanted the citizens of Kilmarnock to know that she did not vote or side with someone else but reached her decision on her own. Mrs. Umphlett said that she was voting to give the full amount of the request which was \$82,000. (There was applause from the audience.)

**Mayor Booth called for the vote which was 3 to 2 in favor of.
(Councilmember Donahue and Councilmember Bouslough opposed)**

There was applause from the audience.

Mr. Emerson Gravatt spoke from the audience saying that he was the oldest tenured residence in the Town of Kilmarnock and asked if anyone had lived in Kilmarnock over 64 years.

Councilmember Nunn joking replied that she has lived for over 64 years but not always in Kilmarnock.

Mr. Gravatt said that Mrs. Nunn had moved to North Carolina, Florida etc. but his point was that not one Councilmember other than Councilmember Nunn had ever talked to him about anything. Mr. Gravatt asked if they were going around to talk to people why not talk to people who had been there in Kilmarnock, who knew Kilmarnock, who had served on the Town Council and who had run for

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Mayor. Mr. Gravatt advised Council that not a damn one of them had talked to him except for Becky Nunn.

Mayor Booth called for a 10 minute recess at 8:08 pm.
Regular meeting was back in session at 8:18 pm.

B. Planning Commission Report: Councilmember Bouslough, Council Liaison

There was no meeting held in the month of October. Mayor Booth asked Town Manager Saunders to please move the Planning Commission Report to a different section of the agenda because he had a tendency to overlook it each month because of where it was located.

Town Manager Saunders stated that he would do that.

5. Public Hearings:

A. Proposed text amendment to the Technology Zone Ordinance, Chapter 43, Section: 43-12 to add language addressing duration of incentives.

1) Description of Proposed Ordinance: Asst. Town Manager Cockrell

Assistant Town Manager Cockrell advised that there were two public hearings regarding the Enterprise Zone. Ms. Cockrell stated that the first was a text amendment to the Technology Zone Ordinance which was simply to add what she informally referred to as a sunset clause. Ms. Cockrell said that there were existing incentives set up with the Technology Zone when it was created and the public hearing was being held just to add one more piece of text that would effectively provide a sunset provision to that. Ms. Cockrell stated that in laymen's terms it meant that once Technology incentives had been awarded they would not move forward to any subsequent owners of parcels. Ms. Cockrell advised that in Councilmembers' packets there was a staff report containing local incentives and on the second page of that report was the actual text which read: 43-12 Sunset Provision: All incentives offered in the above Sections 43-1 through 43-11 shall inure to the benefit of the owner at the time of application and award of the incentives only. Any sale or transfer of the real estate which is subject of the above incentives shall eliminate any further recognition of any incentives previously awarded.

2) Mayor Booth opened the public hearing.

3) Mayor Booth asked for public comments.

There were no public comments.

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- 4) Mayor Booth closed the public hearing.
- 5) Mayor Booth asked for Staff Comments.

There were no Staff comments.

- 6) Mayor Booth asked Council for discussion and/or action.

ACTION: Councilmember Nunn made the motion to adopt the proposed text amendments to the Technology Zone in Section 43-12 to add language addressing the duration of incentives, seconded by Councilmember Bouslough; and carried unanimously.

B. Proposed amendments to the local (Kilmarnock parcels only) incentives in the Northern Neck Enterprise Zone. These incentives include fee rebates and apply to all Kilmarnock parcels as defined within the Enterprise Zone.

- 1) Description of Proposed Ordinance: Asst. Town Manager Cockrell

Assistant Town Manager Cockrell advised that Councilmembers had a summary of the details in their packet. Ms. Cockrell stated that the Enterprise Zone was established in the year 2000 and lasted until the year of 2020. Ms. Cockrell said that when it was established there were essentially four incentives. Ms. Cockrell stated that the recommendation was for the balance of the life of the Enterprise Zone which was now through 2020 that those four existing incentives be removed because the work had been completed or because they were not as effective as they could be. Ms. Cockrell recommended that they be replaced with three new incentives and new qualifying criteria. Ms. Cockrell reminded Council that they passed the qualifying criteria last month which was to provide two full time equivalent employees or invest \$250,000 in real property. Ms. Cockrell advised that the new incentives were as follows: BPOL reductions for new and existing businesses, 50% for the first 3 years; 25% for years 4 through 6. Water/Sewer rate reductions for new or existing businesses, 50% for the first 3 years up to 1 million gallons per billing cycle (of 60 days). Water/ Sewer connection fee rebates for new or existing businesses, 50% on the connection fee(s). Ms. Cockrell advised that there were three types of businesses that would be excluded from the incentives which were sexually oriented businesses, pawn shops, small business loan offices, and nightclubs. Ms. Cockrell explained that Council's action would be to approve the new qualifying criteria and the new incentives.

- 2) Mayor Booth opened the public hearing.

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3) Mayor Booth asked for public comment.

There were no public comments.

4) Mayor Booth closed the public hearing

5) Mayor Booth asked for Staff comments.

There were no additional Staff comments.

6) Mayor Booth asked for Council discussion and/or action.

ACTION: Vice-Mayor Smith made the motion to accept the proposed amendments to local incentives (Kilmarnock parcels only) in the Northern Neck Enterprise Zone, seconded by Councilmember Nunn; and carried unanimously.

ACTION: Vice-Mayor Smith made the motion to approve the new incentives via resolution as required by the state, seconded by Councilmember Nunn; and carried unanimously.

C. Proposed text amendment to the Town's Sign Ordinance, Chapter 54, Article IV. Amendments are particular to electronic and animated signs.

1) Description of proposed ordinance: Zoning Administrator/Planning Director Sebra

Zoning Administrator/Planning Director Sebra stated that a draft of the proposed text amendments was included in each Councilmember's packet. Mr. Sebra said that the first two amendments were on page five which gave the definitions of an animated sign and an electronic message center. Mr. Sebra advised that the rest of the amendments were on pages 10 and 11. Mr. Sebra stated that a section was added to say that animated signs were prohibited in all districts and that electronic message centers were only allowed in the commercial district under the provided regulations. Mr. Sebra advised that the amendments had been discussed by the Planning Commission since May 2011 and that they had worked very hard to reach this conclusion. Mr. Sebra said that it was at the request of the Planning Commission that an overview of the sign ordinance be conducted to include animated and electronic signs. Mr. Sebra advised Council that the focus was on LED signs at first which filtered down to what they had before them now. Mr. Sebra said that they sought feedback from the

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businesses in Town and they examined other jurisdictions within the area to see what neighboring localities were doing. Mr. Sebra advised that the Planning Commission held a public hearing two months ago in accordance with state law and had voted to recommend the proposed amendments to Council for approval.

Councilmember Donahue said that he thought they should change the name of the ordinance to the Ban Donahue's Sign Ordinance. Mr. Donahue stated that they should call it what it was. Mr. Donahue advised that it was his bowling alley sign that they did not like and wanted taken down. Mr. Donahue stated that CVS and Walgreens put up their signs and nobody said anything. Mr. Donahue said that he put up his sign and then an ordinance was written to make him take it down. Mr. Donahue told Mr. Sebra that he proposed it be changed to the Ban Donahue's Sign Ordinance.

Mr. Sebra replied that he could certainly take Mr. Donahue's suggestion to the Planning Commission.

Councilmember Donahue told Mr. Sebra not to "sugar coat" it because that was what it was all about.

Councilmember Nunn commented that CVS and Walgreens were not located in the Steptoe's District.

Vice-Mayor Smith asked if the vote by the Planning Commission to adopt the text amendments was unanimous.

Mr. Sebra replied that it was.

Councilmember Nunn stated that she was at the meeting and it was a unanimous vote.

Councilmember Donahue stated that VDOT dictated what the Town's sign ordinance was on Main Street and not the Town of Kilmarnock. Mr. Donahue said that they had contacted him and told him what he could and could not do regarding the display rights on that sign.

Mr. Sebra advised Mr. Donahue that was within the right-of-way.

Councilmember Donahue said that VDOT dictated how many times the sign could flash, how often it could change over, and all of those things. Mr. Donahue said that all the Town was doing was creating another layer of bureaucracy that had already been created by VDOT.

Councilmember Nunn replied that Towns had the right to create a sign ordinance.

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Councilmember Donahue stated that he knew that but added that a code already existed when he put up that sign.

Councilmember Nunn replied that VDOT was only concerned about the sign being on a highway or byway; however, the Town could impose more restrictions if they wished.

Councilmember Donahue stated that he did not know if it was an oversight or not, but the code said when he operated his B&B, he could have up to twelve guests and six bedrooms on a half-acre. Mr. Donahue said that he did not know what the acreage had to do with the number of rooms. Mr. Donahue stated that he did not know what happened when someone transferred to a hotel, but if he had thirteen guests then the thirteenth one was in the abyss. Mr. Donahue said that the code went from a B&B to a hotel on two different levels.

Town Manager Saunders suggested that Council stick to the topic regarding the public hearing.

Mayor Booth agreed.

2) Mayor Booth opened the public hearing.

3) Mayor Booth asked for public comments.

There were no public comments.

4) Mayor Booth closed the public hearing.

5) Mayor Booth asked for Staff comments.

There were no additional Staff comments.

6) Mayor Booth asked Council for discussion and/or action.

ACTION: Councilmember Nunn made the motion to adopt the proposed text amendments to the Town's Sign Ordinance, Chapter 54, Article IV as presented, seconded by Councilmember Bouslough; and carried with a 4 to 1 vote in favor of. (Councilmember Donahue opposed)

D. Proposed text amendment to the Town's Environment Ordinance, Chapter 18, Article II. Articles are particular to the penalties for weeds and wild growth violations.

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1) Description of Proposed Ordinance: Zoning Administrator/
Planning Director Sebra.

Zoning Administrator/Planning Director Sebra stated for the record that the public hearing was properly advertised according to state code as was the previous public hearing. Mr. Sebra said that the amendments to the ordinance came about as the result of a recommendation from Council. Mr. Sebra advised that the Planning Commission conducted a review and found a need for additional penalties in dealing with weed and wild growth violations. Mr. Sebra stated that they felt the appropriate place for this was obviously under Chapter 18, Article II. Mr. Sebra said that a copy of the proposed text amendments was included in each Councilmember's packet. Mr. Sebra stated that the additions had been made in red text and the items that were to be deleted had been struck through. Mr. Sebra said that essentially they had set an administrative fee and penalties that would increase with each violation. Mr. Sebra advised that the Planning Commission held a public hearing regarding the text amendments, voted to accept them as drafted, and recommended them to Council for approval.

2) Mayor Booth opened the public hearing.

3) Mayor Booth asked for public comment.

There were no public comments.

4) Mayor Booth closed the public hearing.

5) Mayor Booth asked for Staff comments.

There were no additional Staff comments.

6) Mayor Booth asked for Council discussion and/or action.

ACTION: Councilmember Bouslough made a motion to adopt the proposed text amendments to the Town's Environment Ordinance, Chapter 18, Article II as presented, seconded by Vice-Mayor Smith; and carried unanimously.

6. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from October 2011 Meeting

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

Councilmember Nunn reported that the lateral water and sewer lines for the Mary Ball Road Project should start in less than one week. Mrs. Nunn said that Zoning Administrator/Planning Director Sebra and a representative from Franklin Mechanical would begin going door to door this week in that area. Mrs. Nunn advised that Mr. Saunders spoke with the Committee again about the need for a fence at the Radio Well site. Mrs. Nunn said that the cost of the fencing was not provided for in the budget so it was referred to the Admin/Finance Committee to see if they could find the funding for it. Mrs. Nunn advised that during Hurricane Irene it was discovered that the back-up generator at Wiggins Avenue was too small to do the job so Town Manager Saunders was checking into the price of an adequate size generator and would report back to the Committee. Mrs. Nunn said that the auditors suggested that water/sewer connection fees be committed to capital accounts, via a formal motion. Mrs. Nunn advised that at present the fees were being treated as operating income and being used to balance the water/sewer budget. Councilmember Nunn reported that no decision was made; however, as Chair of the Committee, she felt that the connection fees should be placed into capital accounts since it was not an ongoing revenue stream. Mrs. Nunn advised that the Committee would discuss this further at their next meeting. Mrs. Nunn stated that a noise complaint concerning the WWTP was submitted by Mrs. Helen Lindsay by way of audio tape. Mrs. Nunn advised that the Committee did not think the level of noise coming from the WWTP justified the expenditure of Town funds to address it. Mrs. Nunn stated that, however, since then a letter had been received from Mrs. Tammy Crandall stating that she too felt the level of noise from the WWTP had increased and asked Mr. Saunders to place the issue on the next Committee meeting agenda. Councilmember Nunn advised that the WWTP VPDES permit renewal had been advertised and the new permit assigned discharge limits of 3 mg Nitrogen and 0.3 mg Phosphorus per liter of discharge as nutrient limits. Mrs. Nunn stated that Wayne Kent reported that he continued to make progress on the radio read meter inventory and one more cycle of meter reading should finish the survey. Councilmember Nunn said that she would like to make a few points of clarification regarding some comments made about the Town's water and sewer system. Mrs. Nunn advised that the Town's water was safe as was the treated wastewater and nothing had happened to jeopardize its safety. Mrs. Nunn added that the water/sewer system would not be sold nor had any discussion by the Water/Sewer Committee or Council concerning its sale taken place. Mrs. Nunn stated that there were pipes and waterlines identified by an outside contractor which had been charted and were available for anyone to see. Mrs. Nunn stated that water/sewer was not close to breaking even and added that this year they had to transfer \$90,000 from the general fund and that was only because they had received \$100,000 from Mercer Place. Mrs. Nunn commented that she did not think that they would have another Mercer Place next year. Mrs. Nunn noted that in years past they have had to transfer \$200,000 from the general fund and in all likelihood this would continue to be the case. Mrs. Nunn

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said that she would like for everyone to understand that Council had no control over the water/sewer rates. Mrs. Nunn stated that all of Council would hope and like to keep them at their present rate; however, the water/sewer system periodically received federal and state mandates which the Town had to adhere to and if they received mandates that they could not afford then the water/sewer rates would have to go up and none of them could do anything about it. Mrs. Nunn advised that it had been estimated that with the new system of using outside contractors, along with the Town's own water/sewer staff on board, the Town would save between \$30,000 to \$50,000 per year in the Water/Sewer Budget. Mrs. Nunn stated that it was not anticipated at this time that costs would go up.

Mayor Booth thanked Councilmember Nunn and stated that he had a few questions for her. Mayor Booth asked Mrs. Nunn where she had received the estimates that she just referred to regarding saving \$30,000 to \$50,000 per year as a result of restructuring the Water/Sewer Department. Mayor Booth asked what qualified individual came up with those estimates.

Councilmember Nunn replied that it was Town Manager Saunders who was very qualified to make that determination. Mrs. Nunn stated that she had asked Mr. Saunders how much the Town was spending on outside contractors which was what most of the work was being done by and in looking at the figures it appeared that by eliminating that position the Town would save between \$30,000 and \$50,000. Mrs. Nunn reiterated that the Town Manager was probably the most qualified person to make that estimate.

Mayor Booth stated that the Town would be getting in some figures on the water/sewer situation. Mayor Booth said that his other question was, in regards to the comments that she had just made, she seemed to be endorsing an increase in the water/sewer rates.

Councilmember Nunn replied "absolutely not". Mrs. Nunn stated that all she was saying was that the Town was under federal and state mandates. Mrs. Nunn said that this was her third year on the Water/Sewer Committee and she has seen different mandates come down stating the things that must be done and giving the Town no choice in the matter. Mrs. Nunn stated that if something came along that the Town could not afford with the revenue received from citizens paying their water bill and it was more than the \$200,000 that they transferred from the general fund each year then the water/sewer rates would have to be raised. Mrs. Nunn added that she was absolutely opposed to raising the rates and if Council could control it then she would never do that but what she was saying was it was not something that Council had control over. Mrs. Nunn said that the Town could not just say that they were not going to do what the feds and the state tell them to do.

Mayor Booth advised Mrs. Nunn that they did have a little more control over this than what she had said. Mayor Booth stated that he was a little

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confused over the comments that she made at the end of her report and the comments that she just had made. Mayor Booth said that if her comments were not an endorsement for water/sewer rate increases for the citizens of the Town, then she would therefore apparently be willing to say that she did not support water/sewer increases.

Councilmember Nunn reiterated that she did not support water/sewer rate increases.

Mayor Booth advised Mrs. Nunn that she could not have it both ways.

Councilmember Nunn interjected and told Mayor Booth to just stop and listen. Mrs. Nunn advised the Mayor that he wanted everyone to believe that she wanted to raise water/sewer rates and he had said it a hundred times.

Mayor Booth told Mrs. Nunn that he had asked her to state that she did not and if she would just do that then he would be glad to move on.

Councilmember Nunn firmly stated that she did not want to raise water/sewer rates and had never said or insinuated that she wanted to raise water/sewer rates. Mrs. Nunn advised that all she was saying was that Council did not have any control over it if federal or state mandates came down that the Town could not afford. Mrs. Nunn asked the Mayor if he got what she was saying.

Mayor Booth replied that he was listening and added that he would just leave the discussion there. Mayor Booth stated that he would like to say on behalf of the citizens of the Town that they did not want to see increases in the water/sewer rates.

Councilmember Nunn interjected that she did not either and reminded the Mayor that she also lived in Town.

Mayor Booth told Mrs. Nunn that he hoped that she would work with him to see that it did not happen.

Councilmember Nunn quirked that she would contact the state and the feds and tell them that Mayor Booth did not want the water rates to go up so don't send down any mandates. Mrs. Nunn said she would work on that tomorrow and would have her people get right on it.

Mayor Booth said that people who want to raise fees, taxes and spend money could always find justification for what they did.

Councilmember Nunn reiterated that she did not want to raise fees or taxes nor did she want to spend money.

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Vice-Mayor Smith changed the subject and said that during his short tenure on the Water/Sewer Committee the complaint came through from Mrs. Crandall about the noise at the WWTP. Mr. Smith stated that he did go down to Mrs. Crandall's property with Town Manager Saunders and at that point could not hear anything. Mr. Smith wondered if the noise elevated during this time of the year. Mr. Smith advised that it was a hit or miss kind of issue.

Councilmember Nunn said that she had been there when it was noisy. Mrs. Nunn advised that she was there once in the spring and again in the fall between 3:00 and 5:30 pm and reiterated that it was noisy. Mrs. Nunn said that she had not been down there since the buffers were put up.

Councilmember Umphlett stated that she did not know if she should comment or not because Tammy Crandall was her sister and added that she also lived down there. Mrs. Umphlett said that last Thursday night something at the WWTP was very noisy and it sounded like someone on a lawnmower over at her sister's house. Mrs. Umphlett stated that the noise happened off and on. Mrs. Umphlett said that when Helen Lindsay wrote her letter they had just gone through a spurt. Mrs. Umphlett stated that she could be in her bedroom with the windows down and could hear it. Mrs. Umphlett said that she was up on top of the hill and her sister was in the bottom so it was worse for them.

Mayor Booth stated that he thought the Town would want to do something about this. Mayor Booth said that the problem the Committee had was that every time they sent someone down there they did not hear anything and he compared it to one of those ghost shows on television where people were walking through the castle asking someone else did you hear that. Mayor Booth commented that he never heard anything on those shows. Mayor Booth stated that they would continue to pursue this until a resolution was reached.

Councilmember Nunn wondered if any employees were at the WWTP at night. Mrs. Nunn said that she had asked Ms. Chenoweth or Wayne Kent if they had heard anything but neither of them had. Mrs. Nunn added that, however, maybe they were like the people who work at an airport and have just gotten used to the sound.

Councilmember Umphlett advised that this had been going on for years. Mrs. Umphlett said that it must be a blower that was cutting on or something. Mrs. Umphlett noted at times it got really loud.

Councilmember Nunn asked Councilmember Umphlett if she would have her sister record the noise from them.

Mayor Booth said that maybe they needed a volunteer to camp out at the WWTP for a few days.

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Councilmember Umphlett said that she had an extra bedroom if they wanted to send someone down.

Councilmember Donahue jokingly suggested that the Water/Sewer Committee meeting be held down there at 2:00 am.

2) Committee Recommendations to Council

There were no recommendations to Council.

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

1) Report from October, 2011 Meeting

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

Councilmember Donahue stated that in the interest of time he would defer his report.

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.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

There was no meeting held.

E. Town Centre Committee: Councilmember Jones, Chair

There was no meeting held.

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

1) Report from October, 2011 Meeting.

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

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Vice-Mayor Smith advised that the one issue the Committee had discussed was the Resolution regarding incentives which was addressed earlier during the public hearing.

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

1) Report from October, 2011 meeting.

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

Vice-Mayor Smith stated that he had received a financial report for the first three months of the fiscal year and provided everyone with a snapshot copy. Mr. Smith said that it was very difficult to look at this point at general fund, revenues, etc. because several of the revenue streams such as BPOL taxes, real estate taxes and bank stocks had not yet come in. Mr. Smith advised that as of the first three months they had received revenues of \$669,000 with expenses totaling \$675,000. Mr. Smith said four items of interest which were the cigarette tax, meals tax, and lodging tax had all significant increases when compared to the three months of budget to three months of actual that had come in so far.

Councilmember Nunn found it interesting that the cigarette tax had gone up 24%.

Town Manager Saunders said that this was comparing actual to budgeted not to last year's.

Vice-Mayor Smith replied that it was not comparing to last year but three months of the current budget to what the actual revenues for July, August and September were.

Mayor Booth advised that it was pretty deceiving because all of the revenues came in bunches anyway he thought.

Vice-Mayor Smith said that the cigarette tax, meals tax, sales tax and lodging tax were regular streams that came in monthly but wanted Council to keep in mind that they were coming out of July, August and September which were seasonal months.

2) Committee Recommendations to Council

Recommend that Council approve the disbursements from September 20, 2011 to October 17, 2011 totaling \$395,195.26.

Vice-Mayor Smith stated that out of the \$395,195.26 of disbursements, \$93,922.47 went to Carter Bank for debt payment and

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\$113,330.49 went to Franklin Mechanical of which \$92,981.00 or most of that figure would be reimbursed to the Town for the Mary Ball Road Project. Mr. Smith stated that the remainder of the disbursements was \$20,349.24 which was for Mercer Place.

ACTION: Vice-Mayor Smith made a motion to approve the disbursements from September 20, 2011 to October 17, 2011 as presented, seconded by Councilmember Bouslough; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Mary Ball Road CDBG Update

The topic was discussed earlier in the meeting.

B. VDOT Public Hearing

Town Manager Saunders stated that the VDOT public hearing regarding the Town's "No Through Truck" request would be held on November 10th at the Lancaster Community Library from 4 to 6 pm. Mr. Saunders said that interested persons were encouraged to speak and they were accepting written letters as well. Mr. Saunders said that there was also an email address where comments could be posted.

C. Auditors

Town Manager Saunders stated that the auditors had been there and the Town should receive a report by the end of the year.

D. Plotter Donation

Town Manager Saunders reported that Guernsey Tingle Architects donated a used plotter and Zoning Administrator/Planning Director Sebra had figured out how to use it. Mr. Saunders said that new the machine would cost \$10,000 and was valued at least \$2,000 used.

E. VML Conference

Town Manager Saunders advised that he thought the VML Conference was challenging in the way they had the logistics worked out. Mr. Saunders said that it was not a lot of fun but worth the effort.

8. Old Business

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There was no discussion.

9. New Business

There was no discussion.

10. Council Comments

There were no Council Comments.

11. Adjournment

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

Meeting adjourned at 8:58 pm

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Jacqueline L. Blencowe, Clerk