

October 15, 2012

**KILMARNOCK TOWN COUNCIL
Monday, October 15, 2012
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order:

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

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

William L. Smith
Howard Straughan
Mae P. Umphlett

Members Absent:
Shawn Donahue

Staff Present:
Tom Saunders, Town Mgr.
Susan Cockrell, Asst. Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Cindy Balderson, Town Clerk
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

ACTION: Councilmember Smith made a motion to approve the October 15, 2012 Town Council Meeting Agenda as presented, seconded by Councilmember Straughan; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of the Regular Town Council Meeting held September 17, 2012.

ACTION: Councilmember Nunn made a motion to approve the October 15, 2012 Town Council Meeting Minutes as presented, seconded by Councilmember Straughan; and carried unanimously.

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4. Public Comments and Presentations:

There were no public comments or presentations made.

5. Planning Commission Report: Shawn Donahue, Council Liaison

There was no official meeting held other than the joint session with Council.

6. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from October, 2012 Meeting

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

Councilmember Nunn advised that Town Manager Saunders reported that he and Town Attorney Stamm had been working on acquiring the needed easements for the Waverly Avenue sewer line upgrade. Mrs. Nunn stated that the first two pumps in the Wiggins Avenue pump station were pulled October 10th for the machining of the pump impeller, which would take about one week. Mrs. Nunn said that Town Manager Saunders hoped the entire operation could be accomplished by the end of the month. Mrs. Nunn advised that in the meantime the Public Works Department and WWTP staff had tested the standby pumps and noted that everything was ready for the short time when only one pump would be operational in the pump station. Mrs. Nunn stated that Pat Chenoweth reported that the first set of air diffuser drop arms on the Schreiber units at the WWTP had been replaced and the benefits were immediately apparent. Mrs. Nunn said that Ms. Chenoweth hoped the second set of arms could be installed by the end of the week. Mrs. Nunn stated that Ms. Chenoweth and Wayne Kent with Utilities reported that all was well within their departments. Mrs. Nunn advised that Town Manager Saunders said that the Town would be receiving over \$5000 from nutrient credit sales. Mrs. Nunn explained that the Town received so many credits for nutrients that were not exceeded at WWTP and what was left over could be sold to other towns. Mrs. Nunn said that this was handled by a committee and the Town would receive the check. Mrs. Nunn finalized by saying that the Town Manager reported that he had attended VAMWA and NN Soil and Water Conservation District meetings within the last month to stay abreast of changes in the regulatory environment.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from October, 2012 Meeting

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

Councilmember Smith gave the report in lieu of Councilmember Donahue's absence.

Councilmember Smith advised that staff had continued to review a similar ordinance which limited the amount and duration of local election signage. Mr. Smith stated that there were several complaints that derived from the last local election about Kilmarnock being bombarded by signs. Mr. Smith said that the Committee discussed new feedback on the playground and found issues to be minimal. Mr. Smith stated that everything seemed to be going well there at the moment. Mr. Smith advised that Town Manager Saunders reported that increasing the number of handicapped spaces in the downtown area would more than likely result in a reduction in the total number of parking spaces adding that he would continue to follow up with David Brown of VDOT. Mr. Smith stated that the Committee considered a citizen's request for one way truck traffic on Cralle Court because of an issue where a truck had damaged an awning on the side of a building. Mr. Smith advised that the Town would determine locations for "no Truck" signage along that area. Mr. Smith stated that the Committee also discussed approaches to deal with work vehicles/equipment/trailers and other apparatuses used in small businesses whereas the individual was using their residential yards for storage locations. Mr. Smith advised that the Town was starting to get complaints from adjoining neighbors and there were currently no ordinances in the Town Code that addressed this issue. Mr. Smith said that VDOT did require vehicles to be out of the right-of-way. Mr. Smith stated that they would review the sites in question and revisit the issue at the November meeting. Mr. Smith advised that Town Manager Saunders and Chief of Police Bedell had recommended working with local farmers to assist with traffic control when large combines and planters came through Kilmarnock. Mr. Smith said it was primarily an issue with vehicles going to and from Rt. 200 and would help with the large wheel bases in keeping them from running through the center islands. Mr. Smith stated that this would be handled operationally. Mr. Smith noted that Town Manager Saunders had written Mr. Frank Pleva regarding Lancaster County's approach to an ordinance concerning derelict structures and added that the issue had not been taken up by the Lancaster Board of Supervisors yet. Mr. Smith advised that the pansies were targeted for October 15th and noted that he saw people working diligently in the median. Mr. Smith said that October 31st from 4 pm to 9 pm would be the Town's Trick or Treat night. Mr. Smith stated that Christmas lighting preparation was underway. Mr. Smith finalized by saying that Kilmarnock Steptoe's Merchant Association was organizing First Friday and Farmer's Market events.

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2) Committee Recommendations to Council

There were no recommendations made to Council.

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

There was no meeting held during the month of October.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

There was no meeting held during the month of October.

E. Town Centre Committee: Councilmember Straughan, Chair

1) Report from October, 2012 meeting

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

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

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from October, 2012 Meeting.

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

Vice-Mayor Gravatt advised that Edie Jett from Lancaster by the Bay Chamber of Commerce, Pam Deihl from the Pedestal, Joe Hudnall from Noblett's Appliance and Propane, Mark Saunders from Southern Electronics, Susan Pittman from Bank of Lancaster, Sarah Hathaway from Holiday Inn Express, and David Rose from Rose's Steakhouse attended the Committee meeting. Mr. Gravatt stated that the purpose of the meeting was to have Councilmembers and businesses start thinking outside the box and provide ideas and suggestions to assist in Economic Development planning and programs within the Town. Mr. Gravatt said that they discussed roles of the governing body, private sector and regional partnerships along with the resources available at the State and local level through the Commonwealth's Economic Development Partnership

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and the Enterprise Zone programs. Mr. Gravatt said that they also discussed the vacant businesses and lots as well as what type of businesses the Town wanted to attract. Mr. Gravatt stated that they focused on sustaining existing businesses and developing branding for the area. Mr. Gravatt advised that the next step would be to select a primary focus for these efforts. Mr. Gravatt stated that Lancaster County's HUB Zone status had been reinstated based on increasing unemployment rates. Mr. Gravatt said that the Town Bistro opened September 20th and Marathon TS moved to 132 Irvington Road and opened October 1st. Mr. Gravatt finalized by saying that the Committee asked staff to provide recommendations as to the next steps regarding branding discussion.

2) Committee Recommendations to Council

There were no recommendations made to Council.

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from October, 2012 meeting.

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

Councilmember Smith advised that the subcommittee met for the third time regarding revisions to the Town Charter. Mr. Smith stated that they had a meeting with the Town Attorney to obtain legal opinions and the revision was sent to Councilmembers on October 5th. Mr. Smith said that the Committee discussed the budget impact of a calculation error in sales tax distribution by Lancaster County. Mr. Smith explained that the County overpaid the Town \$63,000 over a thirty one month period and offered several options for repayment. Mr. Smith advised that this error would not affect this year's budget. Mr. Smith stated that the Committee was updated on municipal software research and actions were taken. Mr. Smith said that the Committee discussed the interest on the Town's reserve accounts verses outstanding debt balances and instructed the Town Manager to seek recommendations from Mr. Ted Cole from Davenport regarding how much the Town should keep in reserves. Mr. Smith reported that a review of FY 2012 year end transfers was completed with necessary transfers between accounts identified. Mr. Smith said that they also discussed a recent news story from Dixon, Illinois related to fraud and the implications of audit failures. Mr. Smith advised that they finalized the agenda for the October 11th joint meeting of Planning Commission and Town Council. Mr. Smith stated that the Committee entered into a Closed Session as allowed by FOIA 2.2-3711(A) Para (3) to discuss or consider the acquisition of real property for a public purpose. Mr. Smith finalized by saying that there was only one delinquent business license for 2012 that had reached the judgment stage but service could not be made for lack of a current address.

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Mayor Booth stated that he asked during the Committee meeting if they had a final number for FY2012. Mayor Booth said that he was told back in July that it took a few months to bring everything together in order to close the books and they were now three or four months into the close of the fiscal year. Mayor Booth asked Councilmember Smith if he had a final number.

Councilmember Smith replied that he had not seen any audited financial statements.

Town Manager Saunders stated that they didn't have anything more than what was provided in July. Mr. Saunders advised that those books would be audited this month.

Mayor Booth commented that they actually had a number but not an audited one.

Town Manager Saunders replied that was correct. Mr. Saunders advised that it was not going to change because what they had given them in July was an accurate number except for where the budget transfers had taken place whereas something should have been placed in one category as opposed to another.

Mayor Booth advised that he was just asking because inquiring minds wanted to know.

Town Manager Saunders stated that it wouldn't change the bottom line and the final numbers wouldn't move up or down.

Mayor Booth asked Town Manager Saunders if he recalled what that number was.

Town Manager Saunders replied that he didn't at this time.

Councilmember Smith advised that all he remembered was that the number was better than they had anticipated.

Councilmember Nunn replied \$59,100 better.

Councilmember Smith reiterated that he didn't have the numbers in front of him.

Mayor Booth commented that he thought it was almost \$100,000 better. Mayor Booth advised that he wouldn't belabor the audience by furthering the discussion and asked Councilmember Smith to continue with the Committee's recommendations.

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2) Committee Recommendations to Council

a. Recommend to approve the disbursements from September 18, 2012 through October 15, 2012 totaling \$280,514.30 of which \$89,312.73 of that was interest payment to Carter Bank & Trust.

ACTION: Councilmember Smith made a motion to approve the disbursements from September 18, 2012 to October 15, 2012 in the amount of \$280,514.30, seconded by Councilmember Straughan; and carried unanimously.

b. Recommend that Council approve the FY2012 yearend transfers as shown in each Councilmember's September and October packet.

ACTION: Councilmember Smith made a motion to approve the FY2012 yearend transfers as shown in each Councilmember's September and October packet, seconded by Councilmember Nunn; and carried unanimously.

c. Recommend that Council call for a public hearing in November to consider the changes and revisions to the Town Charter.

ACTION: Councilmember Smith made a motion to have a public hearing in November regarding the changes and revisions made to the Town Charter, seconded by Councilmember Nunn; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Wiggins Avenue Pump Station

Town Manager Saunders stated that the pump from the Wiggins Avenue pump station came out last week for modification and there was a serious leak inside. Mr. Saunders said that he was glad it was found then instead of through catastrophic failure. Mr. Saunders advised that it was going to slow down the reinstallation by a few days but in the mean time they would be keeping a close check on that pump station. Mr. Saunders said as long as they didn't get a big rain it should be okay which generated laughter.

B. Staff Illnesses

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Town Manager Saunders advised that Wayne Kent in the Utilities Department was in the hospital. Mr. Saunders stated that Mr. Kent had surgery that didn't go as well as expected and he would be out for a while. Mr. Saunders said that Antwon Butler with public works would be out for a few weeks with a bad knee. Mr. Saunders advised that if Franklin Carter wasn't his usual cheery mood then that was the reason why because he was carrying a heavier load than usual. Mr. Saunders said that everything was getting done but the Town was down by two men.

Councilmember Smith asked if Wayne Kent was in a local hospital.

Town Manager Saunders replied that he was in St. Mary's and was expected home tonight.

C. Personal Leave

Town Manager Saunders advised that he would be taking some personal leave during the next few weeks on a hit and miss basis so he asked for Council's indulgence.

8. Old Business

There was no discussion under Old Business.

9. New Business

There was no discussion under New Business.

10. Council Comments.

Councilmember Nunn advised that five of the seven Councilmembers, the Town Attorney, the Town Manager, and a Planning Commission Member attended the VML Conference in Williamsburg last month. Mrs. Nunn said that the Conference was quite helpful to all of them in a number of areas. Mrs. Nunn stated that they learned a lot from the seminars and through discussions with people from other towns. Mrs. Nunn encouraged everyone to attend these conferences because they were very valuable not only in what they presented but through meeting with other elected officials as well.

Vice-Mayor Gravatt added that he and the Town Attorney paid to pay golf and noted that the Town Attorney was one of the worst golfers he knew which generated laughter.

Mayor Booth laughed and noted the one zinger for the night. Mayor Booth added that he was glad that they had fun and thanked those who took time to attend.

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Councilmember Nunn realized that she brought her receipts home and accidentally threw them in the trash.

Mayor Booth thanked her for her contribution which generated laughter.

11. Adjournment

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

Meeting adjourned at 7:35 pm

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Cindy Balderson, Clerk

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