

October 26, 2009

**KILMARNOCK TOWN COUNCIL  
Monday, October 26, 2009  
Town Hall  
Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order:**

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

Dr. Curtis H. Smith, Mayor  
Paul Jones, Vice-Mayor  
John A. Smith

Barbara Robertson  
Rebecca Nunn  
Howard Straughan

**Staff Present:**

Tom Saunders, Town Mgr.  
Marshall Sebra, Town Planner/Asst. Town Mgr.  
Paul C. Stamm, Jr., Town Attorney  
Susan Cockrell, Comm. Dev. Strategist  
Jackie Blencowe, Town Clerk  
M. S. Bedell, Chief of Police

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

**2. Acceptance and Approval of Agenda**

Mayor Smith requested that the agenda be altered so that Numbers 10 and 11 (Call for Recess and Return from Recess) precede Number 9 (Closed Session). Mayor Smith advised that there would be a brief Closed Session where personnel issues would be discussed including the applicants for the vacant Council seat. Mayor Smith stated that even though the candidates would be discussed during Closed Session, the vote would take place after Council reconvened into Regular Session.

**ACTION: Councilmember Smith made a motion to accept the agenda for the October 26, 2009 Town Council meeting as amended, seconded by Councilmember Straughan; and carried unanimously.**

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**3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held September 21, 2009.**

**ACTION: Vice-Mayor Jones made a motion to approve the September 21, 2009 Regular Town Council Meeting Minutes, seconded by Councilmember Smith; and carried unanimously.**

**4. Public Comments and Presentations**

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

**A. Public Comments**

1) Mr. Roscoe Moody of 267 Black Stump Road, Kilmarnock, VA, stated that he was not one to try to stop progress within the Town but said that he had a concern about his property. Mr. Moody advised that since Mr. Jones Felvey had started clearing the land across the road from him, all of the mud and excess water was draining through the pipes into his yard. Mr. Moody showed Council pictures of damage to his yard.

Mayor Smith asked the Town Attorney for direction in handling such a matter.

Town Attorney Stamm replied that the county land use officer needed to be involved to make sure that silt fencing had been put into place.

Town Manager Saunders reported that several mistakes were made in the implementation of the plan that was submitted by Mr. Felvey, and subsequent to the events described by Mr. Moody, Mr. Felvey was cited for violations which stopped him from working for a few days until corrections were made.

Mr. Moody replied that Mr. Felvey had not done anything about his damaged property.

Town Manager Saunders stated that his point was that the county had recognized Mr. Felvey's failure and had jurisdiction over the matter. The damage done to Mr. Moody's property was a separate issue.

Town Attorney Stamm said that it was a civil issue between Mr. Moody and Mr. Felvey.

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Town Manager Saunders stated that he had looked at Mr. Moody's property and advised Mr. Felvey of the situation and he didn't understand why Mr. Felvey had not addressed the issue with Mr. Moody.

Mayor Smith advised Mr. Moody that Council would try to intercede on his behalf with Mr. Felvey and the county to reach a resolution.

Mr. Moody advised that Mr. Felvey had not even made an attempt to apologize.

2) Mr. Jim Lane of 47 Roseneath Avenue, Kilmarnock, VA, stated that he came to the meeting to lend physical presence to the discussions that he had already had with the Town Manager and Councilmembers about the intrusive noise issue that they were having on Roseneath, Claybrook and other residential areas in Town. Mr. Lane said that numerous neighbors were extremely concerned and agitated about the noise and intrusion that they had to suffer by virtue of amusement going on in the evenings and weekends around and in the Tri-Star parking lot.

Mayor Smith asked Mr. Lane if he was referring to Savannah Joe's.

Mr. Lane replied that he was.

Mayor Smith asked if the entertainment was lasting past the 10:30 pm curfew.

Mr. Lane replied that the entertainment seemed to start when it wanted to and was rather cavalier about when it ended. Mr. Lane stated that there was no consistency in the terms of amount of noise or how loud it was. Mr. Lane said that Mr. Moss was having entertainment on Saturdays and Sundays now and as of this week he understood that a dance floor had been built under the tent. Mr. Lane said that when his neighbors had first informed him about Savannah Joe's last summer, they had told him that the entertainment there was related to the First Friday Walkabouts but obviously that was not the case. Mr. Lane stated that it looked to him like this was an ongoing night club setting of some kind which was totally inappropriate for a residential neighborhood. Mr. Lane advised that since Savannah Joe's was established, there had been partying at the site of that place, loitering on W. Church Street and partying at the Quarles parking lot with kids playing in the automatic car wash. Mr. Lane continued by saying that it was now an established fact that there was drug dealing and using going on right next to his building at 53 W. Church Street. Mr. Lane said that there was tailgating going on also. Mr. Lane stated that he felt that it was inviting a whole different element into Town which was not conducive to a residential neighborhood.

Councilmember Nunn asked Mr. Lane if he owned the Book Nook.

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Mr. Lane replied that he did.

Councilmember Nunn advised that she had received complaints during the week that over by the Book Nook citizens had seen what they thought to be drug activity and also heard about the children playing in the carwash. Mrs. Nunn stated that when Mr. Moss came before Council and asked them to change the ordinance she believed that he was specifically asking for Friday nights, but when the ordinance was changed, it did not specify any particular night. Mrs. Nunn stated that they were playing music on Friday nights, Saturday nights, and now on Sunday afternoons, which had many citizens complaining. Councilmember Nunn asked Chief Bedell if he needed to start sending someone over there on Friday and Saturday nights to conduct a license check when the entertainment was over.

Chief Bedell replied that he could not set up a road check because the location was not a designated area. Mr. Bedell said that the closest approved locations were the Planing Mill or Indian Creek Road.

Councilmember Nunn said that it was a great concern if people were going there and leaving their children across the street and if there are drugs involved.

Vice-Mayor Jones stated that when Mr. Moss's request first came about, he had questioned many people in Mr. Lane's neighborhood and no one objected to amending the noise ordinance with the exception of one person. Mr. Jones said that Mr. Moss had requested to be able to play music until 11:00 pm but, as part of a compromise, agreed to cut it off at 10:30 pm. Mr. Jones commented that as far as music being played on Saturdays and Sundays he thought it was due to special events being held. Mr. Jones stated that he knew that a special event was held last Saturday.

Mayor Smith said that Sundays had never been discussed.

Vice-Mayor Jones stated that the way the ordinance read, legally Mr. Moss could have the bands there either of those days as long as they stopped playing at 10:30 pm. Mr. Jones said that the ordinance dealt with times not days of the week and he could have a band seven nights a week if he wanted to; however, he hoped that he would not.

Mr. Lane responded by saying that was totally outrageous. Mr. Lane said that when he moved to Kilmarnock a decade ago he moved into a totally quiet, totally secure, totally peaceful neighborhood and now, if a new survey was conducted in his neighborhood, Council would find that they would be very differently informed by the growing number of citizens who were concerned about this.

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Mayor Smith replied that he thought that was what should be done.

Mr. Lane said that he was not going to cringe in his house on Friday nights, Saturday nights or ever and he was not going to live in a Town which was going to allow something like that to go on. Mr. Lane stated that two other residents in his neighborhood had said to him that they were already getting an exit strategy together if this issue did not get resolved. Mr. Lane said that the Town was going to lose people like him, who were not going to tolerate an intrusion of this nature in their home for private gain and that was just the bottom line.

Vice-Mayor Jones told Mr. Lane that he understood what he was saying and stated that he was just explaining to him what Mr. Moss had come to Council for.

Mr. Lane replied that he could not speak to Mr. Moss's business plan or how the Town processed that, but he could tell Council the effects that it has had on him and his neighbors. Mr. Lane asked Councilmembers to put themselves in his shoes and live like he had to. Mr. Lane said that he was invested in two properties within Town which were now jeopardized because of this. Mr. Lane reiterated that this was an outrageous thing to expect of any citizen to have to put up with. Mr. Lane said that he was going to encourage his neighbors to act upon this as well.

Councilmember Nunn asked Mr. Lane if it would alleviate his stress if the entertainment was only allowed on Friday nights stopping promptly at 10:30 pm and the police department became more active there.

Mr. Lane interrupted by saying that he would not tolerate that kind of partying by his next door neighbor, three houses down or even a block away if it were a residence so why would he tolerate this from a business that profited by it.

Councilmember Nunn stated that she was just asking to gain clarification. Mrs. Nunn advised that she understood that he wanted complete silence.

Vice-Mayor Jones said that he was at Savannah Joe's just about every other Friday night and noted that Mr. Moss stopped the music at 10:30 pm promptly.

Mr. Lane told Vice-Mayor Jones that he was asking him to negotiate time and quiet in his own home and emphasized that he was not doing it.

Vice-Mayor Jones said that what he was saying was that Mr. Moss was abiding by the rules.

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Mr. Lane said that the Town was creating a public nuisance and he had two real estate agents who were behind him on the fact that it was going to affect property values in that area. Mr. Lane said that he did not want to carry on because he was tired and had been working since 8 am. Mr. Lane thanked Council for their patience in hearing him out.

Councilmember Smith stated that Mr. Lane and other residents had come to him numerous times with their complaints and noted that he had brought all of the complaints to the Town's attention.

Mayor Smith asked Town Manager Saunders for direction on how to proceed with this.

Town Manager Saunders said that he was not sure at this point but would do some research.

Councilmember Robertson said that she thought the entertainment at Savannah Joe's was going to end this month.

Town Manager Saunders said that Mr. Moss had told him that he might continue throughout the winter.

Councilmember Robertson said that it was her understanding that Mr. Moss was going to close in the tent and turn the music toward the garage.

Councilmember Nunn said that Mr. Moss put sides on the tent last year and she questioned the legality of running a business out of a tent.

Town Manager Saunders commented that was a different matter that had to be investigated.

Councilmember Nunn noted that there were all kinds of code restrictions for that.

## B. Presentations

### Planning Commission Report: Councilmember Nunn, Council Liaison

Councilmember Nunn stated that the Kilmarnock Glen PUD was discussed and Mr. Tingle who was the architect for the project said that the development would help the Town water and sewer situation. However, Mrs. Nunn said that when she asked him point blank, Mr. Benhoff advised that he was not going to put in the pipes or the lift station. Mrs. Nunn said that the School Street lines could not support the influx of houses that he was proposing. Mrs. Nunn

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asked Town Manager Saunders if Mr. Benhoff had said that it would be a deal breaker if he had to do that.

Town Manager Saunders replied that Mr. Benhoff had said something along those lines.

Councilmember Nunn said that statement made her wonder because Mr. Benhoff had a hundred million dollar project and they were only talking about \$250,000 worth of pipes and a lift station. Mrs. Nunn reported that the other situation that was brought to Mr. Benhoff's attention was the new law that went into effect on the very day that the Planning Commission meeting was held requiring him to have a turn lane going into and out of the development on Irvington Road. Mrs. Nunn stated that Mr. Keyser said that Mr. Benhoff would definitely have to have a turn lane. Mrs. Nunn said that the Planning Commission was recommending to Council to allow the rezoning of the 112 acres from R-1 and C-1 to PUD. Mrs. Nunn advised that the second issue that the Planning Commission dealt with was the ordinance that she had proposed in regards to cleaning up construction debris, etc. Mrs. Nunn stated that the Planning Commission had also recommended that Council adopt the amendment to the existing ordinance as presented.

## **5. Public Hearing:**

There were no public hearings held.

## **6. Committee Reports**

### **A. Water/Sewer Committee: Councilmember Smith, Chair**

#### **1) Report from October 7, 2009 Meeting**

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

Councilmember Smith advised that he received a report from James Seagle that the installation of the generator at the lift station on Harvey Lane was nearly completed. Mr. Smith said that the assessments for the entertainment center were almost done and, when completed, Town Centre Drive would be closed for renovations and lane improvements. Mr. Smith advised that DEQ had made a surprise visit to the WWTP and found only two minor technical problems. Mr. Smith said that everything else turned out to be fine and the WWTP passed the inspection.

#### **2) Recommendation to Council**

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The committee recommended the adoption of the following policy concerning utility plans review: "Water and sewer construction drawings and plans, when submitted to the Town as part of a zoning permit application for any commercial or multi-lot residential development, will be reviewed for completeness and compliance with all applicable regulations by a professional engineering firm licensed to work in the State of Virginia, hired by the Town and familiar with its specifications and rules; the cost of this professional review will be the responsibility of the applicant."

**ACTION: Councilmember Nunn made a motion to adopt the policy regarding utility plans review as presented, seconded by Councilmember Straughan; and carried unanimously.**

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

No report. October 1<sup>st</sup> meeting cancelled.

Councilmember Robertson said that the October 1<sup>st</sup> meeting was cancelled but noted that she had received a citizen's complaint about the furniture store putting furniture on the sidewalks.

Councilmember Nunn said that she also received the same complaint and as well as one about all of the signage there. Mrs. Nunn advised that the complainant said it looked like a flea market, so she asked Town Manager Saunders to check into it and he found that the signage was legal. Mrs. Nunn commented that the turtle that was once in front of the Toy Store was supposed to have been art and, therefore, was grandfathered.

Mayor Smith stated that there was no policy in place at the time of the turtle.

Councilmember Nunn noted that the turtle was sold and now there was something else in its place for sale. Mrs. Nunn said if an article was for sale then it was not considered to be art and was not grandfathered. Therefore, she felt it should be removed.

Mayor Smith agreed with Councilmember Nunn.

Councilmember Nunn advised that one resident had asked her what would happen if all of the merchants filled up the sidewalks with their merchandise. Mrs. Nunn said that she did not see anything wrong with putting a few pieces out.

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Mayor Smith commented to Town Manager Saunders that it looked like he had his work cut out for him.

Town Manager Saunders replied that he didn't mind because it was job security.

Mayor Smith inquired about the deteriorating curb on the Main Street median.

Town Manager Saunders replied that he had found a contractor but stated that it might be as late as the first of December before the contractor could get started on it.

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

Report from October 13, 2009 meeting.

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

Vice-Mayor Jones reported that the Town of Irvington had requested to use Kilmarnock's police services for at least 5 to 10 hours per week to run radar, but the committee decided that was not feasible at this time. Mr. Jones advised that the light bar on the older police car had been replaced. Mr. Jones stated that two officers had completed a death investigation class and said that he hoped they never had to use what they learned. Mr. Jones reported that the Town police had dealt with a situation in which an eleven year old had run away from the middle school last week. Mr. Jones noted that due to the quick response of Chief Bedell and staff, the child was located and returned home by 1 pm the next day.

Town Manager Saunders commented that Chief Bedell and Officer Phelps had really gone above and beyond the call of duty to recover the juvenile and praised them for their efforts.

D. Emergency Preparedness Committee: Councilmember Smith, Chair

No report. October 13, 2009 meeting was cancelled.

E. Economic Development Committee: Councilmember Nunn, Chair

Report from October 14, 2009 meeting.

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

Councilmember Nunn stated that the committee discussed the Enterprise Zone and that she and Councilmember Straughan were going to look over the Enterprise Zone to determine which properties they thought should be recommended to Council as being added or deleted. Mrs. Nunn stated that the Crowther Ford building had been leased out to a gentleman who was going to sell used cars and have a garage with a mechanic on duty. Mrs. Nunn advised that Councilmember Straughan recommended that Town Manager Saunders and Community Development Strategist Susan Cockrell invite Mr. Jerry Davis of the Northern Neck Planning District Commission, who is the Chief Administrator for the Northern Neck Regional Enterprise Zone Program, to Kilmarnock to have a look around and give his input. Mrs. Nunn stated that she attended an economic development class at the VML conference and met the Economic Development Strategist for the State of Virginia who turned out to be an old classmate of hers. Mrs. Nunn said that she expected to have a lot of information to bring to the next Council meeting. Mrs. Nunn recommended that every Councilmember try to attend the conferences because they provided valuable information and contacts.

F. Town Centre Committee: Councilmember Nunn, Chair

Report from October 14, 2009 meeting

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

Councilmember Nunn reported that the committee discussed several options for providing additional meeting and office space. Mrs. Nunn had asked Town Manager Saunders to investigate the building at 72 North Main Street formerly known as The Doll House just because it had a lot of office and storage space and was located next to the Municipal Parking Lot. Mrs. Nunn said that her second recommendation was to have Town Manager Saunders acquire some cost estimates for a shell building to be put on the existing Town office site.

G. Administration/Finance Committee: Councilmember Straughan, Chair

1) Report from October 2, 2009 meeting.

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

2) Committee Recommendations to Council

Recommend that Council approve the disbursements from September 21, 2009 to October 26, 2009.

**ACTION: Vice-Mayor Jones made a motion to approve the disbursements from September 21, 2009 thru October 26, 2009, seconded by Councilmember Smith; and carried unanimously.**

**7. Administrative Comments and Reports: Town Manager Saunders**

A. Work continues at Well #3 site.

Town Manager Saunders reported that the concrete slab for the generator had been poured. Mr. Saunders said that progress was slow but it was moving along.

B. Bike Virginia "RiverRide"

Town Manager Saunders reported that the event was successful although the numbers were down from last year. Mr. Saunders said that Ms. Susan Cockrell played a major role in organizing the event and deserved a lot of appreciation.

C. Private Septic Pump-Out Notices

Town Manager Saunders reported that Assistant Town Manager Sebra had sent out letters to residents with private sewer systems requesting proof that they had been pumped out. Mr. Saunders said that they had received a lot of positive response and noted that the form created by Mr. Sebra was so well done that the CBLAG had asked if they could copy and use it in other jurisdictions.

D. Water and Wastewater "Master Plan"

Town Manager Saunders advised that Council authorized the Water and Wastewater Master Plan over a year ago and it was now ready to be presented. Mr. Saunders stated that he was trying to work out a date for the presentation.

E. Church Street to Town Centre Drive Waterline

Town Manager Saunders reported that work had begun on the waterline and that Town Centre Drive would be closed a couple of hours here and there during the process.

Vice-Mayor Jones stated that a waterline in front of the Book Nook on Church Street had been broken for over a year and was in need of repair.

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Town Manager Saunders replied that it was a leaking valve not a broken waterline but stated that it was still a major repair and he would put it on the schedule.

#### F. Town Centre Survey

Town Manager Saunders reported that the topographical survey for the Town Centre lot had been received and so began the process of figuring out what to do with the lot itself. Mr. Saunders said that the Town had received the first phase study and Mr. Rosenbaum was starting on the second phase study which was connected to the plans for the sidewalks.

#### G. Landscaping/Planting Process At Playground

Town Manager Saunders reported that the planting at the playground took place several weeks ago and noted that it was very attractive and well done. Mr. Saunders said that the Kiwanis and the Master Gardeners provided the plants and labor and Geo Products provided the planting materials.

#### H. November Public Hearings

Town Manager Saunders advised that Council would have two public hearings during the November meeting, one of which was a request from Mr. Benhoff to rezone 112 acres from R-1 and C-1 to PUD and the other was on a text amendment to the Town ordinance concerning trash and debris.

#### I. Faulkner Building

Town Manager Saunders reported that the County Building Inspector had given Mr. Faulkner until the end of the year to remove the old filling station on N. Main Street across from the Municipal Parking Lot.

#### J. VML Conference

Town Manager Saunders said that Mrs. Nunn had done a good job of reporting on the VML Conference but he just wanted to add that he personally got a lot out of it and thought that it was well worth attending. Mr. Saunders thanked Council for allowing him to go.

Mayor Smith stated that the VML meeting last week was a great experience. Mayor Smith said that he attended the Mayor's Institute which he found to be very interesting. Mayor Smith stated that there were approximately 100 Mayors and Vice-Mayors in attendance. Mayor Smith said that what he discovered was that no matter what size a city or town was, the issues seemed to be the same throughout Virginia.

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Mayor Smith advised that Mrs. Carolyn Delano had brought him a picture from an old scrapbook of when Mayor Harvey traveled to Scotland and visited the provost there who at the time was Mr. Carns. Mayor Smith stated that Carns' nephew came to visit Kilmarnock, VA, approximately two years ago. Mayor Smith advised that he was going to see if the Rappahannock Record could duplicate the article and picture so he could send it to them.

K. Seasonal Decoration Schedule and Parade Report: Community Dev. Strategist, Susan Cockrell

Ms. Susan Cockrell advised that on October 30th the Kilmarnock Chamber of Commerce was hosting Candy for Kids from 4 to 7 pm with an array of events promoting safe trick or treating within the Steptoe's area and Wal-Mart with the trolley transporting kids back and forth between the two locations. Ms. Cockrell stated that Saturday October 31<sup>st</sup> was the Townwide trick or treating per the normal Town ordinance from dusk to 9 pm. Ms. Cockrell said that a seasonal holiday prep schedule was included in each Councilmember's packet. Ms. Cockrell showed Council a picture of the newly purchased tree and stated that Ms. Pam Deihl had graciously offered to allow its erection on the front lawn of the Palmer Building which the committee agreed would be an appropriate and traditional place.

Vice-Mayor Jones asked why the tree was not going to be placed at the playground or the Town Centre lot.

Ms. Cockrell replied that the committee had decided not to place the tree at the playground due to the issues that arose last year. Ms. Cockrell advised that the bulbs on the tree would unscrew and it was decided not to provide that temptation. Ms. Cockrell said the decision to place the tree at the Palmer building was just for this year until a more permanent location was determined.

Councilmember Robertson said that the tree would be more visible in front of the Palmer Building and noted that there were children hanging out at the playground all night long.

Ms. Cockrell reviewed the Seasonal Holiday Prep Schedule in their packets with Councilmembers.

Councilmember Nunn asked if the tree lighting ceremony was going to be scheduled for Thanksgiving night.

Ms. Cockrell replied that it was thought that Wednesday November 25<sup>th</sup> would be a better evening and stated that it would be advertised in the local newspaper. Ms. Cockrell said that she intended to send out personal invitations to those who had purchased banners.

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Vice-Mayor Jones asked Ms. Cockrell if she planned to light everything at one time.

Ms. Cockrell replied that the wreaths along Main Street were hardwired and once put up would have to remain lit. Ms. Cockrell advised that the lights in the Steptoe's area would be lit all at once. Ms. Cockrell stated that the theme for the Seasonal Holiday Parade this year was "Twas the Night Before Christmas" which was scheduled for December 11<sup>th</sup> at 7 pm.

Vice-Mayor Jones asked who would be the Grand Marshall.

Ms. Cockrell replied that had not been determined as of yet.

## **8. Old Business**

### **A. Open Council Seat**

Mayor Smith reported that the resignation of Mr. Gary Anderson, who relocated to Florida, had left a vacant Council seat which four citizens had expressed an interest in filling. Mayor Smith advised that the citizens who applied for the position were Mr. Otis Polk, Mr. Joe Curry, Mr. Dennis Bouslough, and Mr. Randy Moubray. Mayor Smith asked the two applicants who were present if they would like to address Council.

Mr. Randy Moubray stated that his reason for wanting to serve on Council was because he had lived in Kilmarnock for several years and owned two businesses in Town. Mr. Moubray said that he had kept apprised of everything that was going on and after seeing the changes that had been made within the Town, he wanted to become more active.

Mayor Smith asked Mr. Moubray where he was from originally.

Mr. Moubray replied that he and his wife were natives of Northumberland County.

Councilmember Smith commented that Mr. Moubray was once a Kilmarnock Police Officer.

Mayor Smith asked Mr. Bouslough if he wanted to address Council.

Mr. Dennis Bouslough stated that he was not from around here, and didn't own a business here, but had moved to Kilmarnock in 2001 and retired in 2006. Mr. Bouslough said that looking back over the years he realized what he and his wife had personally done in regards to interacting with many of the local businesses. Mr. Bouslough said that as he and his wife progressed with their

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home they saw the Town progressing and found Kilmarnock an exciting place to be. Mr. Bouslough said that he was originally from Ohio but his wife was from Dumfries, Virginia, and that Kilmarnock was a place that they really enjoyed living in. Mr. Bouslough pledged a commitment to Council and to the Town that they would get the best effort that he could possibly put forward if he were chosen.

Mayor Smith advised that the vacant seat was for an eight-month tenure. Mayor Smith said that he hoped that the three people who were not chosen would run in the May elections when three seats on Council would be vacant. Mayor Smith said that being a Councilmember was a wonderful experience, which he had done for three terms prior to becoming Mayor. Mayor Smith advised that the position required a tough skin. Mayor Smith said that the majority of the time, Council worked harmoniously together but there had been a few times when things had gotten a little nasty. Mayor Smith said that the bottom line was that Council was there to conduct business for the people and had to agree to disagree in order to do what was best for the Town.

#### **9. Call for Recess**

Mayor Smith called for a brief recess at 7:55 pm.

#### **10. Return from Recess**

Council was called back into Regular Session at 8:08 pm.

#### **11. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel**

**ACTION:** Councilmember Smith made a motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel, seconded by Councilmember Nunn; and carried unanimously.

Council entered into Closed Session at 8:08 pm.  
Regular Meeting reconvened at 8:20 pm.

#### **12. Certify Closed session held IAW FOIA 2.2-3711(A) Para (1) Personnel**

**ACTION:** Councilmember Nunn made a motion to certify that the Closed Session was held IAW FOIA 2.2-3711(A) Para (1) Personnel, seconded by Councilmember Straughan; and carried unanimously by roll call.

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Paul S. Jones – yes  
Nunn, Rebecca T. - yes  
Robertson, Barbara – yes  
Smith, John A. – yes  
Straughan, Howard – yes  
Smith, Curtis H. – yes

**ACTION:** Councilmember Smith made a motion to appoint Randy Moubray to Town Council for the remaining 8 months of term expiring June 30, 2010, seconded by Councilmember Nunn; and carried unanimously by a show of hands.

### 13. New Business

There was no discussion concerning new business.

### 14. Council Comments

There were no comments made by Council.

### 15. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel and Para (3) Discuss acquisition or disposal of real property.

**ACTION:** Councilmember Nunn made a motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel and Para (3) Discuss acquisition or disposal of real property, seconded by Councilmember Robertson; and carried unanimously.

Council entered into Closed Session at 8:24 pm.  
Regular Meeting reconvened at 8:58 pm.

### 16. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (1) Personnel And Para (3) Discuss acquisition or disposal of real property

**ACTION:** Vice-Mayor Jones made a motion to certify that the Closed Session was held IAW FOIA 2.2-3711(A) Para (1) Personnel and Para (3) Discuss acquisition or disposal of real property, seconded by Councilmember Smith; and carried unanimously by roll call.

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Paul S. Jones – yes  
Nunn, Rebecca T. - yes  
Robertson, Barbara – yes  
Smith, John A. – yes  
Straughan, Howard – yes  
Smith, Curtis H. – yes

## 17. Adjournment

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

Meeting adjourned at 8:59 pm.

Prepared by:

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Joan N. Kent

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Dr. Curtis H. Smith, Mayor

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Jacqueline L. Blencowe, Clerk