

November 19, 2012

**KILMARNOCK TOWN COUNCIL  
Monday, November 19, 2012  
Town Hall  
Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order:**

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

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

William L. Smith  
Howard Straughan  
Mae P. Umphlett

**Staff Present:**

Tom Saunders, Town Mgr.  
Susan Cockrell, Asst. Town Mgr.  
Paul C. Stamm, Jr., Town Attorney  
Cindy Balderson, Town Clerk  
Joan 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**

**ACTION: Councilmember Donahue made a motion to approve the November 19, 2012 Town Council Meeting Agenda as presented, seconded by Councilmember Straughan; and carried unanimously.**

**3. Approve, Correct, or Amend the Minutes of:**

A. Joint Planning Commission and Town Council meeting held October 11<sup>th</sup>, 2012

Councilmember Nunn questioned a statement made by Commission Member Gardner on page 3, where she said “she felt that the idea “duck-tailed”. Mrs. Nunn wanted to know if she could have possibly said “dove-tailed”.

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The transcriber reported that that it sounded like “duck-tailed” but offered to change it to “dove-tailed”

Councilmember Nunn advised that if that was what she said then it could not be changed.

(Listening to the audio multiple times the transcriber determined it could have been either. The Joint Session Minutes were amended using the appropriate term “dove-tailed”.)

Mayor Booth stated for clarification that there were meetings held last month, one of which was a joint meeting with the Planning Commission and those were the minutes currently being discussed.

Vice-Mayor Gravatt had a question on Page 8 of the Joint Meeting Minutes where Councilmember Nunn said “five of the seven Councilmembers”. Mr. Gravatt said advised there were not seven Councilmembers.

Councilmember Nunn advised that she did say “five of the seven Councilmembers”.

Vice-Mayor Gravatt replied that there were not five of the seven Councilmembers.

Councilmember Nunn advised that it was Mae, William, Howard, him and her which made five.

A Councilmember made comment which was inaudible.

Councilmember Nunn stated that she was talking about the VML Conference.

Vice-Mayor Gravatt questioned if there was seven Councilmembers (*statement interrupted*).

Councilmember Nunn reiterated that she said that five of the seven Councilmembers went which where Mrs. Umphlett, Mr. Smith, Mr. Gravatt, Mr. Straughan, and herself which made five.

Vice-Mayor Gravatt replied okay and the Mayor (*statement not completed*)

Councilmember Nunn said plus there was the Town Attorney, Town Manager, and a Planning Commission Member.

Vice-Mayor Gravatt asked if the Mayor counted as a Councilmember.

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Councilmember Nunn replied yes.

Mayor Booth said that he didn't know what they were counting him as these days which generated laughter.

Councilmember Nunn reiterated that the Mayor was counted as a Councilmember.

Vice-Mayor Gravatt replied that his question had been clarified.

Councilmember Donahue said that he wasn't sure where it was that Councilmember Nunn called him a puppet whether at the joint meeting or the other meeting but said that he made the front page of the newspapers for the comment but he didn't see anything in the minutes saying that he was a puppet. Mr. Donahue commented that he wasn't a puppet in the minutes but he was one in the newspaper.

The transcriber asked for clarification on which meeting this would have occurred in, Council or the Joint Session.

Mayor Booth replied that it was at the Joint meeting.

The transcriber stated that she was not at the meeting and had difficulty understanding what was being said on some portions of the tape. The transcriber recalled something off the wall being said about a puppy.

Councilmember Nunn replied puppet, puppy same thing.

Mayor Booth said to let him listen to the tape and he bet he could figure it out.

Councilmember Donahue said that the newspaper picked up on the fact that he was a puppet but the minutes didn't reflect that he was a puppet. (*Rustling of papers making portion of statement inaudible*) big bird was no longer here (*laughter by Mayor*) he wanted to make sure he was a puppet.

Mayor Booth stated to Mr. Donahue that it drew his attention that the comments made by the Council lady were not accurately represented and he did inform the clerk before the meeting and has refused to sign the minutes and told her that they were not to be signed by the Vice-Mayor either and he expected the tape frozen and he would listen to it himself and would get the minutes corrected. Mayor Booth said he was sorry when these types of things happened but obviously there was a derogatory comment. Mayor Booth continued by saying that it was inappropriate enough to have one newspaper put it in its article and then to go back and edit out those comments adding that if they couldn't trust those

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minutes for one meeting then he didn't know if they could trust the minutes from any meeting.

The transcriber spoke on her behalf stating that she usually was present during the meetings to see firsthand what was going on and taking notes but had missed this particular meeting because her husband was in the hospital. The transcriber advised that she had to rely on just the tape to try to decipher what was said.

Mayor Booth said that he understood.

The transcriber continued by saying that she did the minutes to the best of her ability.

Vice-Mayor Gravatt stated to the transcriber that she did a great job.

Mayor Booth stated to the transcriber that in fairness to her, he felt that she usually did a good job but the minutes didn't seem right, not only to him and Councilmember Donahue, and he just wanted to correct them. Mayor Booth said that he wanted to listen to that tape himself.

The transcriber replied okay.

Councilmember Nunn stated that she could clarify the tape for the transcriber right now.

The transcriber replied okay.

Councilmember Nunn advised that Mr. Gravatt said why did you bring that up and she said because he is a puppet referring to Mr. Donahue.

The transcriber asked if that was at the joint session.

Councilmember Nunn replied that it was.

*(Inaudible, Several Councilmembers speaking at once)*

The transcriber asked what her statement regarding the puppet followed and advised that she would make the appropriate correction.

Councilmember Nunn said it was after Mr. Donahue brought up the CIP during that session and Mr. Gravatt asked him why he brought it up. Mrs. Nunn said that it would be on page 9 right after Mayor Booth said "that they would get to it" that's when Mr. Gravatt asked why did you bring that up?

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Mayor Booth stated that he felt that they had spent enough time on that.

Councilmember Nunn said that she just wanted to clarify it.

Mayor Booth asked the transcriber if she would listen to the tape and take Mrs. Nunn's testimony to correct the minutes and they would go from there.

Mayor Booth asked if there were any more concerns about that meeting's minutes. Being none, he asked if there was a motion regarding correcting the minutes or did they want to just hold off on them. Mayor Booth said that several things were discussed but wanted to know if there was a motion for modification to the minutes.

Councilmember Straughan stated so moved.

Councilmember Nunn advised that they could not be approved.

Councilmember Smith thought that the Council should wait until they came back corrected next month.

Mayor Booth asked if everyone was comfortable with that.

(The meeting minutes from the Joint Session have duly been corrected to include the comment from Councilmember Nunn regarding Councilmember Donahue being a puppet)

#### B. Regular monthly meeting minutes for October 15, 2012

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

#### **4. Public Comments and Presentations:**

Mayor Booth asked if there was anyone in the audience who wished to speak on any matter other than the public hearing being held.

There was no one who wished to speak.

Mayor Booth stated that since there was no one who wished to speak, he would do it himself stating that he would like to speak to every one for a couple of minutes (*statement not completed*).

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Councilmember Nunn stated three minutes.

Mayor Booth continued by saying that he said two and asked if that wasn't better than three. Mayor Booth wanted to get started because he felt that Mrs. Nunn had the time running on him already.

Mayor Booth said that last week he received the final budget numbers for FY2012.

Vice-Mayor Gravatt interrupted and stated that with all due respect to the Mayor that if he had a public comment to make then he thought he should step down as Mayor and make the comment but as Mayor he thought it was inappropriate.

Mayor Booth advised Vice-Mayor Gravatt that he would meet him half way but he was not going to be told where to stand or where to sit but he would give him the gavel which was the appropriate thing to do.

Mayor Booth started his statement again and Vice-Mayor Gravatt used the gavel to interrupt him and stated that they were still in public comment.

Mayor Booth asked the Vice-Mayor if it would make him happy if he stood at the podium.

Vice-Mayor Gravatt replied no that he could sit there but just wanted to make sure that he was speaking as a public citizen and not the Mayor.

Mayor Booth replied absolutely and asked if they were good to go.

Vice-Mayor Gravatt replied yes sir.

Mr. Booth advised that he didn't know that it was going to be so controversial for him to make some very nice remarks. Mr. Booth stated that last week he received the final budget numbers for fiscal year 2012. Mr. Booth thanked Councilmember Smith for the extra effort that he made so that he would have the information for this meeting. Mr. Booth said that he was pleased to report that after Capital Improvement spending, the Town recorded a budget deficit in actual numbers of only approximately \$100,000 for FY2012. Mr. Booth continued by saying that while earlier projections based upon information provided seemed to suggest that at one time the deficit was in the neighborhood of \$300,000, it was good to report that it was in fact much less. Mr. Booth stated that he wanted to personally thank everyone in their government for a successful fiscal year in 2012 and thought that they could all take pride in the accomplishments realized during this year's budget. Mr. Booth said that he remembered passing that budget well adding that it was not the most recently passed budget of course, which was that of 2013 passed in June of this year. Mr. Booth advised that the FY2012 budget

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was passed in June 2011 and he was pleased to have supported it. Mr. Booth said that being shorthanded two members due to vacancies, Councilmember's Donahue and Smith joined him as he cast the tie breaking vote to approve the budget with three votes to two while other Councilmembers refused to vote for that budget because it contained provisions for significant cuts in the Town's business tax as an incentive to stimulate business in Town. Mr. Booth stated that not only did they nearly have a balanced budget in 2012 but they made very significant infrastructure investments in outlying areas of Town through the work of the Mary Ball and associated projects. Mr. Booth advised that bringing needed services and improvements to residents in these areas, the Town had created lasting impressions in people's lives. Mr. Booth commented when all of them worked together they could accomplish a great deal such as nearly balancing budgets, helping businesses, and making tremendous differences in the lives of everyday people all at the same time. Mr. Booth said that he still cautioned everyone not to become complacent to the good news of the moment. Mr. Booth advised that challenges did lie ahead. Mr. Booth stated that one budget that he did not support for FY2013 which was approved in June of this year would approve spending that if fully executed would yield an \$800,000 to \$900,000 deficit for this fiscal year. Mr. Booth respectfully asked Council to back off from some of this spending called for in this budget in order to reduce the mentioned deficit. Mr. Booth further asked that during these tough economic times, that Council to set aside any plans for a new Town Hall. Mr. Booth stated that it had overwhelming support from this Council but they didn't need it because the current facility was very adequate. Mr. Booth advised that this was a time when the everyday citizens could scarcely afford to buy or improve their own homes than they in government needed to set an appropriate example. Mr. Booth said that they all had just received their new property assessments noting that what they owned such as homes and businesses were worth much less during this economy, adding that in most cases 25% or more less, and this was something that they already knew but had just received their assessments. Mr. Booth continued by saying that now however it was time that they in government are fair to their taxpayers. Mr. Booth said that he had his new assessment for two days when someone stated that now they needed to raise the tax rates so that they would get the same amount from taxpayers. Mr. Booth advised that type of thinking was disingenuous because everybody's property was now legitimately worth less so therefore citizens should rightfully have a smaller tax burden. Mr. Booth said that he would do everything possible to see that the real estate rates were not raised and he asked other members of Council to do the same. Mr. Booth thanked everyone.

Mr. Booth asked if anyone wanted to make a comment.

Councilmember Straughan stated that he disagreed with what Mr. Booth said about a new city hall and said that the Town needed one desperately and added that just because the real estate assessments went down didn't mean that they didn't need it. Mr. Straughan reiterated that they needed a new city hall drastically and they needed to get on with it.

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Vice-Mayor Gravatt told Mr. Booth that he was very quick to bring out the problems but seldom comes up with any of the solutions. Mr. Gravatt said that if he wasn't part of the solution, he was part of the problem. Mr. Gravatt told Mr. Booth that he listens to his comments but doesn't hear any solution or resolution to any of the problems that he brought up and said that he just wanted to make that point.

Councilmember Nunn stated that often what private citizen Booth said was political as was this statement. Mrs. Nunn advised that the same people who passed the budget at the end of 2011 for 2012 were the same people who were on Council and passed the budget for 2013 because the election took place in May and the same people were on Council in June when the budget was passed and the new Councilmembers and re-elected Councilmembers did not come on board until July. Mrs. Nunn said that what she thought Mr. Booth was trying to do was to make it look like this newly elected Council was going to spend a lot of money when it was the same Council as before. Mrs. Nunn stated that the new Council had not yet gotten to vote on a budget because they didn't come on line until the first meeting in July. Mrs. Nunn asked everyone to keep that in mind. Mrs. Nunn said that it looked as if there was going to be a \$300,000 deficit and it only turned out to be a little over a \$100,000 but added that they did over a million dollars on infrastructure saying that a lot of things that looked like expenses in the revenue statement he received were paying down principal which was not an expense and so it was even better than \$100,000. Mrs. Nunn thought that sometimes people who didn't comprehend budgets exactly, adding that just because there was a million dollars in a line item for a capital improvement project did not mean that they were going to spend that money. Mrs. Nunn said that what it did mean was that it was available and they had it in reserves if needed. Mrs. Nunn advised that they may need to spend it in Water/Sewer but it didn't mean that they were going to spend it. Mrs. Nunn said that that there was no need to think that at the end of this year there was going to be an \$800,000 or \$900,000 deficit. Mrs. Nunn advised that she couldn't imagine any person who would say that they would now have to raise the tax rates so that the Town would get the same amount of money. Mrs. Nunn stated that she didn't think anyone on Council thought that at all.

Councilmember Donahue stated that he called Sonny Thomas who was the treasurer for Lancaster County and asked for the total assessment for real estate in the Town of Kilmarnock prior to the new assessment. Mr. Donahue said that Mr. Thomas told him that the number dropped over 40 million dollars in the Town of Kilmarnock. Mr. Donahue stated that a 40 million dollar drop in assessed values was reflective of the amount of tax dollars that the Town was going to collect. Mr. Donahue said that as Council they had two choices which were to raise real estate taxes, cut expenses, or compromise with the two. Mr. Donahue reiterated that they were down over 40 million dollars in revenue.

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Numerous Councilmember simultaneously stated all at once that they were not.

Councilmember Donahue reiterated they were in assessed value of real estate in the Town of Kilmarnock.

Vice-Mayor Gravatt stated that he did not think that there was even 40 million dollars in assessed value in Kilmarnock at this time.

Councilmember Donahue said again that he didn't want to put the number out there but he had called Sonny up (*statement not completed*)

Vice Mayor Gravatt interjected that he said forty.

Councilmember Donahue replied down forty.

Vice-Mayor Gravatt stated that he didn't think there was forty million dollars in County real estate taxes.

Councilmember Donahue replied not taxes but value dropped 40 million dollars in the Town of Kilmarnock.

Councilmember Straughan said that was roughly 25 percent.

Councilmember Smith advised that the decrease in value as far as Town property went was one thing and he wasn't questioning that because it very well could be possible, but the revenue generated from real estate taxes as far as the Town of Kilmarnock went was not a substantial amount of money to begin with.

Councilmember Donahue said that it was 10 cents per 100 which was roughly \$40,000.

Vice-Mayor Gravatt replied out of the total budget.

Councilmember Donahue said he agreed and reiterated that it was \$40,000.

Councilmember Straughan said that it was \$30,000 instead of \$40,000.

Councilmember Donahue said no it was dropped by forty.

Councilmember Nunn replied no.

Councilmember Smith stated that \$40,000 out of a 2.6 million dollar budget was a fairly small number that they had to work with adding that the money would have to come from somewhere.

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Vice-Mayor Gravatt stated that Citizen Booth was finished with his comment so he was passing the gavel back to him which generated laughter.

Mayor Booth with gavel in hand asked if there were any more comments before they moved on.

Vice-Mayor Gravatt said that he thought some would come up later.

Mayor Booth stated that he would move on to the Planning Commission Report.

#### **5. Planning Commission Report: Shawn Donahue, Council Liaison**

Councilmember Donahue advised that unfortunately he was unable to attend the meeting so he could not give the report.

Mayor Booth asked Town Manager Saunders if he was there.

Mr. Saunders replied that he was not.

Mayor Booth asked if there was a report in the packet.

Councilmember Nunn advised that she was at the meeting.

Mayor Booth asked Planning Commission Member Gravatt who was seated in the audience if she would like to give the report.

Councilmember Nunn replied that Mrs. Gravatt was not there either.

Mrs. Gravatt asked where she was.

Councilmember Nunn reminded her that she was sick.

The statement generated laughter.

Councilmember Nunn advised that Mr. Spivey was at the meeting and seated in audience.

Mayor Booth asked Mr. Spivey if he wanted to give the report.

Mr. Spivey stated that he would prefer not to.

Mayor Booth asked Councilmember Umphlett to give the report.

Councilmember Umphlett stated that Councilmember Nunn would be better at giving the report.

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Mayor Booth looked at Councilmember Nunn and stated that he guessed she got it then which generated an explosion of laughter.

Mayor Booth said that he did everything he could to get someone else to take it.

Councilmember Nunn replied that she realized that he did.

Mayor Booth asked Mrs. Nunn to please tell everyone what happened at the Planning Commission meeting.

Councilmember Nunn replied nothing which generated an explosion of laughter.

Mrs. Nunn said same old, same old.

Mrs. Nunn reported that Mrs. Towner spoke on the Comprehensive Plan. Mrs. Nunn stated that there was conversation about the Planning Commission looking at the CIP as far as land development went. Mrs. Nunn advised that Ms. Towner, Mr. Sebra and Mr. Bonner all felt that was a good idea. Mrs. Nunn stated that Chairman Smith and Mr. Spivey seemed to feel that the Planning Commission needed to understand that they were advisory. Mrs. Nunn said that Ms. Gardner again expressed concern that she didn't feel that they were qualified to come in on some things. Mrs. Nunn stated that the Planning Commission was going to present to Council what they would like to be looked into regarding the CIP as far as land development. Mrs. Nunn reported that Mr. Bonner hugged her after the meeting which generated laughter.

Mayor Booth said that somehow he thought this meeting was getting out of hand which generated more laughter. Mayor Booth said that they were going to stick very close to script for the rest of the night.

Councilmember Nunn replied that it happened at the meeting which generated more laughter.

## **6. Public Hearing:**

The purpose of the hearing was to receive public input regarding proposed text amendments to the Town's Charter.

### **A. Description of proposed changes- Town Manager Saunders**

Town Manager Saunders stated that the Admin/Finance Committee had been working on the proposed text amendments since late summer. Mr. Saunders said that they were looking to bring the Town's Charter which was

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originally done in 1952 up to par. Town Manager Saunders stated that they were trying to get rid of some sections that were obviously obsolete and outdated. Mr. Saunders said that over a number of meetings the Admin/Finance Committee had made a number of changes to the charter, deleted some old sections, cleaned up some language, and tried to make it consistent. Mr. Saunders gave the example that the old charter had "Chair Pro-temp" as opposed to "Vice-Chair". Mr. Saunders said that it was things like that which had been cleaned up throughout the document. Mr. Saunders advised that they had been given copies of the revised charter with the revisions in red. Mr. Saunders said that they also had a copy of the existing original charter as well as the revised charter without the red ink which would be submitted to the General Assembly once they had considered a vote on it. Mr. Saunders reiterated that the changes requested were from the Admin/Finance Committee and after it was considered by Council, he would let Town Attorney Stamm explain where it would go from there.

Town Attorney Stamm advised that after it was approved by Council, it would go to their delegate then to legislative services and they would edit so to speak for legality adding that he already had. Mr. Stamm said that they might add other comments then it would get distributed to other legislators who would then pass it in a bill. Mr. Stamm advised it would then become the Town's Charter again with the changes and then they would have to go back to the code and make a few changes to comply with charter. Town Attorney stated that having reviewed this part of the charter and the changes that the Admin/Finance Committee had requested, it was legal and appropriate from his standpoint.

Mayor Booth asked Mr. Saunders with the help of Town Attorney Stamm to identify all areas in the charter whereas changes were made in which authority was taken from the Mayor and transferred to Council as a whole or to an unelected Town Manager. Mayor Booth asked Mr. Saunders if he could do that.

Town Manager Saunders replied that he was not prepared to do that.

Mayor Booth advised that he could take his time because he had the document right in front of him.

Councilmember Straughan asked Town Attorney Stamm if anything was taken from the Mayor.

Town Attorney Stamm replied that there were some changes in the Mayor's duties such as in number 16 which said that the Mayor should preside over the meetings of the Town Council and vote only in the case of a tie. Mr. Stamm said that what was taken out of there was that the Mayor shall be the Chief Executive Officer of the Town and it shall be his duty to see that the bylaws and ordinances thereof were fully executed. Mr. Stamm said that it was hard to read through the red lines and asked everyone to bear with him. Mr. Stamm continued by saying that it was taken out that the Mayor should see that the duties of the

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various city officers, members of the police and fire departments, whether elected or appointed were faithfully performed. Mr. Stamm continued by reading that he shall have the power to investigate their acts, have access to all books and documents in their office, and shall examine them or their subordinates on oath, but the evidence given by persons so examined shall not be used against them in any criminal proceedings. Mr. Stamm advised that these changes were made because other charters didn't have that kind of stuff in there.

Councilmember Nunn said that she thought the whole reason for the change was that when the Town went to the Council form of government rather than re-write their charter they just did a resolution and just stuck it in there that these were the Town Managers duties and responsibilities which was the same as the Mayor's and they didn't take out the Mayor's. Mrs. Nunn asked if that was correct.

Town Attorney Stamm said that was basically what happened.

Councilmember Nunn said that what they were doing was cleaning it up because the charter was so convoluted and it wasn't cleaned up then. Mrs. Nunn stated that in a Council managerial form of government, the Mayor was the ceremonial head of the Town and the duties and responsibilities belonged to the Town Manager who was employed by the Council.

Mayor Booth stated that he didn't think that the deletion of authority or roles depleted in number 16 had anything to do with any duplication that was given to the Town Manager. Mayor Booth said that they could move on. Mayor Booth asked Town Attorney Stamm to clarify for everyone how the changes in item number 6 of the charter would affect the appointment of committees and the chairpersons thereof. Mayor Booth corrected himself and said that it was number 5.

Town Attorney Stamm said that was one of the changes that came down in the charter was legal but it would force a change in the code after the charter changed. Mr. Stamm advised that years ago and for as long as he could remember the Mayor appointed committees and then the Town Council until recently just served on them. Mr. Stamm said that it was clear that the Town Council by majority vote could change committee appointments themselves over the Mayor's appointments. Mr. Stamm said that now Council shall appoint such committees of the Council rather than the Mayor. Mr. Stamm advised that the charter never said that the Mayor would appoint those people. Mr. Stamm said that there was a disconnect there because the legislature did not give the Mayor the capability to appoint committees at that time. Mr. Stamm stated that this was just changed to put committees in the charter because they were not in there at first.

Mayor Booth asked Mr. Stamm how long had he been Town Attorney.

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Mr. Stamm replied that he had no earthly clue.

Mayor Booth laughed and replied that he probably didn't. Mayor Booth asked if the Council had ever appointed the committees before to his knowledge.

Mr. Stamm said that the Mayor in the past made the recommendations and everyone served and there was never a vote.

Councilmember Smith said that for the past couple of years, Council had to go in and okay the Mayor's selection.

Mayor Booth stated that they voted only if there was an objection.

Town Attorney Stamm agreed that if there was an objection then they did vote on it. Mr. Stamm said that there were no changes but that it just put that power in the charter. Mr. Stamm said that if they kept this in the charter and didn't change it in the code then they could still step up and change it if they wanted to.

Councilmember Nunn stated that she thought the Council should make the appointments because they saw when Mayor Booth was first elected that he did not have two experienced Councilmembers as chairpersons because they did not back him in his campaign. Mrs. Nunn continued by saying that the second year that the Mayor made appointments, he appointed a brand new appointee, brand new to the board, who had no experience whatsoever to chair Water/Sewer. Mrs. Nunn stated that the person himself said that he couldn't handle it. Mrs. Nunn said that this last time, the Mayor appointed one person to serve as the head of two committees and to serve as the Liaison to Planning Commission and this person had the worst absentee record of anybody there. Mrs. Nunn finalized by saying that she thought the Council should appoint the committees and that was what Admin/Finance thought too.

Mayor Booth said to Mrs. Nunn that since she singled him out (*statement not completed*).

Councilmember Nunn interjected that she didn't single him out because he was the Mayor and the one doing it.

Mayor Booth told Mrs. Nunn that she served as the Chairman of the Water/Sewer Committee which had the biggest deficit it has ever had since there had been a Water/Sewer Committee.

Vice-Mayor Gravatt stated "awe come on now".

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Councilmember Nunn commented that Water/Sewer was in the best shape that it had ever been in.

Mayor Booth stated that didn't make sense.

Councilmember Nunn wanted Mayor Booth to prove that statement.

Mayor Booth replied that he thought he could.

Councilmember Nunn stated that because there was a line item on the budget did not mean there was a deficit.

Mayor Booth replied okay and stated that he was moving forward. Mayor Booth said that why they were in the explanatory phase, he wanted to ask if the Town Attorney could go to the item that referred to absences. Mayor Booth said that he had some concerns about that one not because he had a bad attendance record noting that he had only missed two meetings since he had been Mayor. Mayor Booth commented that Councilmember Nunn had an exemplary attendance record as did most people on Council. Mayor Booth said that his concern was that in item 29 the term "voluntarily" was scratched through and it was changed to just absences. Mayor Booth stated that it previously said that his seat may be declared vacant if three consecutive meetings were missed but now the word "may" had been changed to "shall". Mayor Booth said that he takes that as regardless as to what might happen like someone who served in the military reserves and added that a lot of the people around the table was older than he was, and he would hate to see any of them get sick and to have an illness that would cause them to miss three meetings. Mr. Booth added that a lot of times people had accidents, they had illnesses and recovered and were perfectly viable from that point and he didn't think it was the intentions of the citizens of the Town to elect someone Mayor or Councilmember and then because of some quirk like being called to military duty, having an accident, or having an illness he didn't think it would be fair to any of them. Mayor Booth thought that this should be given a hard look. Mayor Booth said that certainly if someone missed three consecutive meetings without excuse then they should be removed from Council. Mayor Booth said that *attendances made* the system work but he thought that there could be extenuating circumstances. Mayor Booth asked Mr. Stamm if this was presented for change then there would be no exceptions and anyone who missed three meetings would be automatically removed. Mayor Booth asked Mr. Stamm if he agreed with his interpretation.

Town Attorney Stamm stated that it said that the seat shall be declared vacant if they miss three consecutive meetings.

Mayor Booth commented for any reason.

Vice-Mayor Gravatt said that was for three consecutive meetings.

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Councilmember Nunn said that she thought that if someone was sick for three consecutive meetings and has missed a quarter of a year's worth of business then they should be removed regardless.

Town Attorney Stamm said that from his standpoint it was not illegal to put it that way.

Mayor Booth asked Mrs. Nunn when Mrs. Gifford was shot out in Arizona did she think she should have been stripped of her seat within ninety days and if so he thought that to be a little callous.

Councilmember Straughan replied yes.

Mayor Booth asked Mr. Straughan if he really believed that.

Councilmember Nunn said that Mrs. Gifford wasn't capable of performing any more.

Mayor Booth advised that there were lawmakers who got sick and accommodations were made for them if they could return and be viable. Mayor Booth said that in Mrs. Gifford's case they may be correct because she might not have had the prognosis to return and do her job but noted that there were cases where people missed some time, returned, and were able to do their job. Mayor Booth advised that he was done at this phase.

Mr. Les Spivey spoke from the audience and said that he thought all of Council was out of order. Mr. Spivey said that what he saw on the agenda was that Mr. Saunders and Town Attorney was supposed to give a description of the proposed changes, then he was supposed to recess and go into the public hearing, then public comments, then staff comments, then he was to close the public hearing and Council would have discussion and take action which all of them just had. Mr. Spivey said that the public still had not had a chance to speak. Mr. Spivey said that the Mayor had not recessed into public hearing and their whole conversation was out of order.

Mayor Booth said that he disagreed.

Councilmember Nunn advised Mr. Spivey that he was absolutely right.

Mayor Booth told Mr. Spivey that he appreciated his input and added that he opened the public hearing and asked for a description of the proposed changes from staff and they seated around the table had every right to question the description from staff. Mayor Booth told Mr. Spivey that they would continue with the process of the public hearing.

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B. Mayor Booth called for public comments.

Mr. Les Spivey from 53 East Church Street, Kilmarnock VA asked if this was the way that they usually altered a charter without the public having any input. Mr. Spivey asked if they got together with Admin/Finance, decided on the changes and then held a public hearing whereas he would say that the majority of people in the Town had no idea what they were changing or why they were changing it much less how it would affect them. Mr. Spivey said that he wasn't saying that he disagreed with the changes but wanted to know if they were sure they were doing this correctly because he knew they weren't running the public hearing correctly. Mr. Spivey stated that since he wasn't going to have any input on new ideas or changes to the charter anyway, he simply wanted to come and make a comment but at this point, he felt it best that he just leave.

Councilmember Nunn told Mr. Spivey that she attended a class at the VML Conference and this was what they advised to do. Mrs. Nunn said that they told her to put it in a committee, the committee would come up with the changes, and then they had a public hearing. Mrs. Nunn advised him that if he had any suggestions for changes they would love to hear them.

Mr. Spivey thought that something of this nature should be like the budget and require two public hearings. Mr. Spivey said that one little public hearing would not suffice. Mr. Spivey stated that he felt as if the public had been left out of this process. Mr. Spivey said that Council may have made perfectly good changes but he didn't have time to come and get a copy of them and read it. Mr. Spivey stated that he thought they should be a little more open to what the public thought. Mr. Spivey said that perhaps he missed the advertisement and it was all his fault, but he just had to get up and tell them what he thought which was this whole thing was out of order and their discussion should have been held at the end. Mr. Spivey thanked Council for hearing him and left the building.

Mayor Booth stated that he agreed with a lot of what Mr. Spivey had just said. Mayor Booth said that one of his concerns was if there were any minutes to these subcommittee meetings. Mayor Booth stated that he knew it wasn't the full Admin/Finance Committee but a portion thereof participating which was three members. Mayor Booth said that from a procedural and technical standpoint, he had concerns that the rules for audiotaping and keeping minutes were not adhered to with regard to the meetings held. Mayor Booth stated that all of that should be public record and asked if they were any minutes from those meetings. Mayor Booth said that he was told that the last one was not a meeting, it was to seek the advice of the attorney although there were three Councilmembers present it was not an illegal meeting but still it seemed that they needed the audio tapes from the first two meetings and the minutes.

Town Manager Saunders replied that he believed they had those.

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Mayor Booth said that his understanding was that if there were no minutes from meetings that there would still be audiotapes. Mayor Booth asked if there were audiotapes.

Town Manager Saunders said that he would have to check.

Councilmember Nunn said that the press was at one of the meetings.

Reporter Audrey Thomasson replied that she was and told the Mayor that he was at the same meeting.

Mayor Booth said that he was at an Admin/Finance meeting to review the work of the committee but the special committee to make the charter changes had a couple of their own meetings.

Councilmember Nunn replied that all of Admin/Finance was on the that committee.

Mayor Booth said that he believed it was only three of them.

Councilmember Smith stated that it was only three of them from the Admin/Finance Committee that actually showed up. Mr. Smith said that dates were chosen and all of the Admin/ Finance Committee members were invited to attend.

Mayor Booth asked if there were meetings held were in addition to the regular monthly Admin/Finance Committee meetings.

Councilmember Smith replied that there were because it was no way possible for them to get all of the business done during the regular monthly meeting plus do that. Mr. Smith said that there were two meetings total at the Town Hall and one final meeting at the attorney's office.

Mayor Booth said that one was the unadvertised meeting and perhaps because they were seeking counsel it was not necessary to advertise it. Mayor Booth asked Councilmember Smith if he knew whether there were any audio tapes of the meetings.

Councilmember Smith said that he was not sure.

Councilmember Nunn stated that whether there were any audio tapes and minutes or not, Ms. Cockrell had all of the changes discussed from the first to the last meeting. Mrs. Nunn advised that was all that they did which was discuss the charter and made changes. Mrs. Nunn stated that they went through many convolutions to get to the final draft and reiterated that Ms. Cockrell had all of them.

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Mayor Booth advised that the rules of Council were very clear and there had to be audiotapes and minutes.

Councilmember Nunn said that there were minutes but she did not know about audio tapes.

C. Mayor Booth asked if there were any additional staff comments.

There were no additional staff comments.

D. Mayor Booth closed the public hearing.

E. Mayor Booth asked for Council comments and/or discussion.

**ACTION: Councilmember Straughan made a motion that the Town Charter revisions of the Town of Kilmarnock located in the County of Lancaster, Virginia, Charter 1952, amended 1966, amended 1983, amended 1991 as amended in 2012 as presented be approved and the amended charter be forwarded to the Legislature of the Commonwealth of Virginia for its approval, seconded by Councilmember Nunn;**

#### **DISCUSSION:**

Councilmember Donahue referred Councilmembers to page 2, section 6 saying that as they all knew it had been a long time since the charter had been modified however he questioned whether or not they wanted to give the sole responsibility to the Town Manager regarding public utilities or if it should be kept at the discretion of the Council or Mayor knowing that this charter could be in effect for the next several decades.

Councilmember Nunn said that the Town Manager was always the Town engineer they just changed it to Director of Public Utilities.

Councilmember Donahue asked Councilmember Nunn if he could finish.

Councilmember Nunn told Mr. Donahue that she thought he had.

Councilmember Donahue said that was one thing that he thought they should think about which was the verbiage there and maybe it should have been more generic. Councilmember directed everyone to page 3, section 7 and stated that he thought it should say "under contract or appointed may be removed by

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Town Council". Mr. Donahue felt that they could have both situations whereas they were appointed and under contract verses one or the other.

Town Attorney Stamm replied that everyone appointed by the Council was under contract.

Councilmember Donahue said that in a broader sense, ten or twenty years down the line, would everyone feel the same way.

Town Attorney Stamm replied that if they were no under contract and just appointed somehow they had to get paid. Mr. Stamm said that they had to enter into a contract these days to get a Town Manager, Town Attorney and maybe in the future a Police Chief. Mr. Stamm stated that number 7 was basically for him and Mr. Saunders. Mr. Stamm said that he got the drift that was the way the people wanted to go.

Councilmember Donahue referred everyone to page 4, section 16, which said that the Mayor was going to preside over the meetings of the Town Council and vote only in the case of a tie. Mr. Donahue said that the Mayor was elected by the Town's people and should have an equal vote. Mr. Donahue stated that he was just expressing his thought on that and said that if he or she was elected by popular vote then he thought that person should have an equal vote on Council rather than just a tie breaking vote.

Councilmember Donahue said that on page 4, number 21 was a big one and he was surprised that no one from Council or the public had brought it up. Mr. Donahue read "The majority in attendance" which to him meant that if only two or three of them were present and they decided to give themselves raise like what happened out in California in a little Town where the Mayor made a million dollars a year.

Mayor Booth said that he needed to go there.

Town Attorney Stamm replied to the Mayor that he might not want to because that Mayor was now under federal indictment.

Councilmember Donahue stated that what he was saying was that if they changed the wording and a group of them got together they could decide how much money the Council and the Mayor were going to make. Mr. Donahue reiterated not the majority of Council but only the people who were present for that meeting.

Town Attorney Stamm advised if they didn't have a quorum then they couldn't have a meeting. Mr. Stamm said that they would have to have at least four people present in order to have a meeting.

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Councilmember Nunn stated that they couldn't conduct any business without a quorum so if there wasn't a quorum what Mr. Donahue said couldn't be done.

Councilmember Donahue said that he understood that but without that wording being changed (*statement not completed*)

Councilmember Nunn said to Mr. Donahue that it couldn't be just him and Raymond. Mrs. Nunn stated they had to have four people.

Councilmember Donahue reiterated that he understood that but it could be Mrs. Nunn and Howard.

Councilmember Nunn replied no because there had to be four people.

Councilmember Smith said that there actually had to be five persons present for a quorum, four Councilmembers and the Mayor.

Councilmember Nunn replied that was right, four Councilmembers plus the Mayor who didn't count.

Councilmember Donahue asked Mrs. Nunn not to interrupt him.

Mayor Booth asked Mr. Donahue to continue.

Councilmember Donahue said that he just wanted to bring it up so that they were all on the same page and everyone understood what they were voting for. Mr. Donahue went to page 6, number 26, and referred back to legal counsel. Mr. Donahue said that he didn't know how disorderly behavior could be decided and he didn't know if they could remove an elected official but if it was legal language in the State of Virginia then it was fine.

Town Attorney Stamm replied that it was in the City of Lynchburg. Mr. Stamm said that a case was recently tried on this matter. Mr. Stamm advised that he would get everyone a packet of what they could and could not do.

Councilmember Donahue replied okay and said that he had read all of the changes and was just going over each thing he had a concern with. Mr. Donahue said that they already had a discussion on page 29, but he still thought that the attendance issue needed to be reconsidered because there were times when people may not be able to make three consecutive meetings. Mr. Donahue advised that for the record he opposed that but understood where they were coming from. Mr. Donahue referred Councilmembers to page 8, number 45 regarding the Police force. Mr. Donahue felt that with all the changes being made in the charter revision, they were taking tremendous authority away from the Council and the Mayor and giving it to an appointed official. Mr. Donahue said that

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in this case, one more time, the Town Manager would have absolute power over our police force in the Town of Kilmarnock. Mr. Donahue asked where were they going to draw the line where they as elected officials made the decisions about running the Town verses an appointed official. Mr. Donahue thought that they were crossing the line on a lot of the issues by saying that they were delegating down to the Town Manager. Mr. Donahue stated that sooner or later, they had to assume the responsibilities for being the managers of the Town and the Town Manager followed their requirements, duties, and not delegating down to the Town Manager every activity that took place in the Town.

Councilmember Straughan said that somewhere in the changes it said just that. Mr. Straughan stated that the Council granted the authority to the Town Manager to do these things and that it could always be taken away.

Councilmember Donahue told Councilmember Straughan to find where it said that. Mr. Donahue stated that he had read the document numerous times and didn't see where that was said.

Town Attorney Stamm said that he couldn't go back but in the Stoner phase, and the Larry Faison phase, there was a Town Council Resolution that put the police in a separate ordinance and the changes just brought the charter in compliance with the ordinance already passed.

Councilmember Donahue said that he wasn't an attorney, he was just a layman but what he saw was Councilmembers delegating every responsibility down to the Town Manager and saying it was up to him. Mr. Donahue stated that they were elected by the Town, they were responsible for the Town, and the Town Manager served at the pleasure of the Council. Mr. Donahue said not to give all of the authority to an appointed official.

Councilmember Nunn said that they were not.

Vice-Mayor Gravatt replied that if Council did not like what the Town Manager was doing then they would replace him.

Councilmember Nunn advised that they were not giving the Town Manager all of the authority because he still had to answer to them.

Councilmember Donahue replied alright as long as they were all in agreement and said that he was just throwing these thoughts out there. Mr. Donahue said that the treasurer's position had always been appointed by the Town Council and on page 12, number 59 shifted supervision over to the Town Manager.

Councilmember Nunn advised that was done three years ago because they don't deal with the treasurer on a daily basis and don't do her evaluation.

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Councilmember Donahue said that he was not disputing that but what he was saying was that all of their duties as Councilmembers were being transferred to an appointed position. Mr. Donahue said that if they were going to operate as a czar than that was fine. Mr. Donahue stated that it seemed that they were shifting into that direction.

Town Attorney Stamm said that he was trying to keep up and asked Mr. Donahue if he was saying that in 59 that the treasurer was appointed by the Town Manager.

Mr. Donahue replied that the Town Manager had supervision over the treasurer.

Mr. Nunn spoke from the audience and stated that Town Council supervised it all.

Mr. Donahue asked why it was being changed then.

Mr. Nunn said for clarification.

Councilmember Nunn stated that it read that the treasurer would be subject to the supervision of the Town Manager and added the reason that they did this several years ago was because the Council didn't deal with the treasurer on a daily basis and couldn't evaluate her. Mrs. Nunn stated that they didn't do the clerk's evaluation either for the same reason. Mrs. Nunn advised that the Council only evaluated Chris and Tom. Mrs. Nunn said that Tom dealt with them on a daily basis and supervised them. Mrs. Nunn stated that Council didn't come in there and supervise them or micromanage.

Councilmember Donahue replied but they accrued all of the expenditures every month so why not just delegate that to Tom too.

Councilmember Nunn replied okay, cool.

Councilmember Donahue asked where would they draw the line (*statement not completed*)

Councilmember Nunn replied that they had already drawn it.

Councilmember Donahue advised that all he was saying was that they needed to be careful that they did not shift all of the responsibility away from elected officials to appointed ones.

Councilmember Nunn said that the changes had been given careful consideration.

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Councilmember Donahue replied okay. Mr. Donahue said that apparently he was the only one who had read these things because no one else seemed to have any concerns.

Councilmember Nunn replied that was because they attended all of the meetings.

Councilmember Donahue said the closed one that there were no minutes on.

Mayor said there were two of those.

Councilmember Donahue replied that was all he had.

Mayor Booth asked if there was any more discussion.

Vice-Mayor Gravatt stated that he agreed with Mr. Donahue on page 6, number 29 regarding dismissal if three consecutive meetings were missed. Mr. Gravatt said that a person could have a medical condition or a death of a family.

Councilmember Straughan stated that they could solve that problem with changing it from "shall" to "may".

Vice-Mayor Gravatt advised that would be fine with him.

Town Attorney Stamm advised that they could do that voluntarily.

Councilmember Nunn stated to just change the "shall" to "may".

Vice-Mayor Gravatt asked permission of Councilmember Straughan to amend his motion with the amendment to page 6, item 29 to change the wording from "shall" to "may"

Councilmember Straughan granted Mr. Gravatt's request.

Councilmember Smith said that he didn't have a major concern on this issue one way or the other and was fine with whichever, but stated that if they were there looking out for the best interest of the Town and someone was unable to make a meeting in 90 days then they weren't much help.

Councilmember Nunn said that was the way she felt too.

Mayor Booth advised that it was seven of them and there were situations such as people becoming ill.

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Vice-Mayor Gravatt said that one month there could be a death in the family and then the person could be having surgery the next month followed by another death in the family. Mr. Gravatt stated that it was possible to have legitimate reasons for not being able to be there. Mr. Gravatt said that his priorities were family first.

Councilmember Smith said he agreed but from a legitimate standpoint he was not saying that there were not legitimate reasons behind the absences but as a Councilmember if he could not be there three months in a row to help then he was stepping aside so they could pick someone else who could.

Councilmember Umphlett agreed with Councilmember Smith.

Mayor Booth asked if there was any other discussion.

Town Attorney Stamm said that word "may" would work real well voluntarily. Mr. Stamm said that a few of them saw a member one time just deteriorate to the point that he couldn't come out anymore and had to be honorably removed.

Mayor Booth passed the gavel to the Vice-Mayor and thanked everyone for their patience with him since he had talked a lot. Mayor Booth promised not to talk for the next six meetings. Mayor Booth had been asked a lot recently why he did not have more to say about the proposed changes to the charter some of which seek to transfer existing authority from the Mayor to the Council or an unelected Town Manager. Mayor Booth said that the reasons were simple. Mayor Booth advised that members of this Council had planned these charter changes for some time and quite frankly they had the votes to pass the revisions. Mayor Booth said that secondly, these provisions would not handicap his role in government for very long. Mayor Booth advised that he determined a long time ago that he could better serve the citizens and protect the taxpayers of this Town by serving on its Council. Mayor Booth stated that being able to more effectively serve his constituents meant more to him than the title of Mayor. Mayor Booth reached these conclusions because the traditional role of Mayor as provided for in the current charter only allowed him to vote in case of a tie and because of additional deliberate attempts to transfer authority from the Mayor to Council to Town Manager such as what was included in the changes to the charter at hand. Mayor Booth said that as he looked around the table tonight, perhaps these charter revisions that they seek would affect one of them much more than it would affect him. Mayor Booth said that he was sure that everyone had read the article in the Rappahannock Record this past week in which supporters of the charter changes passed them off as being obsolete language in the charter, about gun powder, rounding up drunkards and the like. Mayor Booth advised that many of them realized that the charter revisions were about much more. Mayor Booth stated before that the revisions would have little effect on him but on many future Mayors. Mayor Booth said that he thought it was sad that Council sought to diminish the traditional role and authority of the Mayor. Mayor Booth stated that the founding fathers of this Town put the charter in

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effect in 1930 and most of the provisions have stood for 82 years. Mayor Booth said that he believed that the Council here was making changes for immediacy and most historians and scholars agree that changes made to federal, state, and local constitutions on a whim or immediacy was a bad idea. Mayor Booth advised that what Council was essentially saying was that they didn't like the rules that everyone had played by since the beginning so they wanted to change them. Mayor Booth said that finally, he believed the office of the Mayor was intended by the founders of this Town to be one of the highest honor and one elevated slightly above the role of the other six Councilmembers. Mayor Booth stated Council's attempt to diminish this role was in his estimation wrong. Mayor Booth said that he saw it as a front to the office of the Mayor and thus he was obviously opposed to the charter revisions being considered tonight.

**Mayor Booth called for the vote in form of roll call.**

**Councilmember Donahue - Nay**

**Vice-Mayor Gravatt - Yea**

**Councilmember Nunn - Yea**

**Councilmember Smith - Yea**

**Councilmember Straughan – Yea**

**Councilmember Umphlett – Yea**

**The motion was carried with a vote of 5 in favor of and 1 opposed.**

## **7. Committee Reports:**

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from November, 2012 Meeting

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

Councilmember Nunn advised that the Committee was provided an update on private line issues at a business on Main Street and adjoining properties. Mrs. Nunn said that sewer laterals ran below the adjoining property to the Town's main and recurring blockages had resulted in several recent pump outs. Mrs. Nunn advised that the Town of Kilmarnock communicated to the owner that the Town would not return to fix the issues. Mrs. Nunn said that the Town would however cooperate with the actions that the property owner may undertake. Mrs. Nunn stated that she went to see the property owner to let her know that they were willing to work with her anyway that they could but that the Town wasn't going to clean it out anymore. Mrs. Nunn advised that the Town Manager discussed the status of easements for Waverly Avenue and Chase Street sewer line upgrades and reported progress however they were waiting on a document from a property owner. Mrs. Nunn reported that a review of the Wiggins Avenue

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pump station and required modifications to the pump showed the pump to return the week of November 5<sup>th</sup> and would be tied in at that time. Mrs. Nunn advised that they were still operating on the old generator and were able to now review the bidders for the new unit. Mrs. Nunn stated that the installation of the remaining Schreiber arm continued. Mrs. Nunn advised that Town Manager Saunders praised the efforts of the Public Works, WWTP and the Utilities team for their efforts in the preparation for and during Hurricane Sandy. Mrs. Nunn stated that the WWTP processed over 1 million gallons following the storm. Mrs. Nunn said that currently they had one employee out on medical leave. Mrs. Nunn finalized by saying that Pat Chenoweth and Wayne Kent reported that everything was going well.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from November, 2012 Meeting

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

Councilmember deferred the report in the interest of time.

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from November, 2012 Meeting

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

Councilmember Donahue stated that he had a work conflict and was unable to attend.

Vice-Mayor Gravatt said that they received the monthly report from the Police Chief and discussed the recent incident concerning the homicide in Town. Mr. Gravatt reported that they were right on schedule with equipment replacement and everything was going well.

2) Committee Recommendations to Council

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There were no recommendations to Council.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

1) Report from November, 2012 meeting

Councilmember Umphlett advised that the Committee discussed the recent Lancaster Emergency Planning Committee meeting and some of the issues raised there. Mrs. Umphlett stated that the next LEPC meeting was planned for January 15<sup>th</sup>. Mrs. Umphlett said that Town Manager Saunders reported that all of the Town's backup systems worked as expected during the recent visit of Tropical Storm Sandy with the exception of one diesel by-pass pump. Mrs. Umphlett advised that the Public Works Department would investigate the problem and make a recommendation soon. Mrs. Umphlett stated that all departments were to be commended for their work during the storm and for their cooperation with other responding agencies and jurisdictions.

2) Committee Recommendations to Council

There were no recommendations made to Council.

E. Town Centre Committee: Councilmember Straughan, Chair

There was no meeting held.

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

1) Report from November, 2012 Meeting.

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

Vice-Mayor Gravatt reported that the Committee continued discussion on potential approaches for economic development with business members. Mr. Gravatt said that they were looking at an RFP for a marketing branding plan and had discussed moving forward which was one of his recommended action items. Mr. Gravatt stated that they discussed the potential for trying to obtain a public boat ramp near Kilmarnock to draw business and added that they would be conversing with a landowner and hoped that something would materialize soon. Mrs. Gravatt reported that he and Assistant Town Manager Susan Cockrell attended the VA-1 Conference in Richmond and made the cover of the Virginia magazine.

Mayor Booth advised that it was good to know famous people.

2) Committee Recommendations to Council

Recommend to Council that they proceed with the creation of a draft RFP for branding/marketing services for the Town.

**ACTION: Vice-Mayor Gravatt made a motion for the Committee to proceed with the creation of a draft RFP for branding/marketing services for the Town, seconded by Councilmember Straughan; and carried unanimously.**

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from November, 2012 meeting.

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

Councilmember Smith was absent from the meeting. Councilmember Donahue deferred the report for the sake of time.

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from October 16, 2012 through November 19, 2012 totaling \$164,215.37

**ACTION: Councilmember Donahue made a motion to approve the disbursements from October 16, 2012 to November 19, 2012 in the amount of \$164,215.37, seconded by Councilmember Nunn; and carried unanimously.**

b. Recommend that Council approve the extension of contract with Community Planning Partners to manage remainder of Mary Ball Road CDBG project, \$9000.00

**ACTION: Councilmember Straughan made a motion to approve the extension of contract with Community Planning Partners to manage remainder of Mary Ball Road CDBG Project for \$9,000, seconded by Vice-Mayor Gravatt; and carried unanimously.**

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c. Recommend that Council retire a portion (2 to 3 million) of the Town's bond debt using currently undesignated reserve funds.

Town Manager Saunders stated that the Town had quite a bit of reserve funds in the bank which were earning very little interest right now on the sort of securities that they were allowed to invest in. Mr. Saunders said that they were limited to putting the money in bonds or Cds. Mr. Saunders advised that rates on Cds were less than a tenth of a percent and the best treasury bills at three years were only .4 percent. Mr. Saunders stated that the options that were available to them that they were allowed to invest in were very limited. Mr. Saunders said that at the same time they were paying 3.65 percent interest on outstanding bond debt. Mr. Saunders stated that the question before them was if it made sense to keep money in the bank that they were not earning interest on or to pay down some the bond debt. Mr. Saunders said that he did not have a set figure but that the two examples included in the packet were for two million and three million. Mr. Saunders said that the annual operating savings on the two million dollars would be \$171,000 a year. Mr. Saunders stated that they would be lowering their expenses by that much. Mr. Saunders advised that it would also end up being a long term savings for the Town by not paying interest. Mr. Saunders thought that it would improve their operating position as they heard earlier about the lowering of assessments and the possibility of other tax screens which would be diminished by the economy. Mr. Saunders it was a bet riding on the conditions that interest rates remained low. Mr. Saunders stated that if interest rates went back up in five or six years then they might look back on this and say that maybe they shouldn't have done it and kept the money in the bank. Mr. Saunders admitted that he didn't know what the right answer was but said that everyone he had talked to said that the was the best return that they were going to get for the next two to three years. Mr. Saunders said that after that it was anybody's guess.

Councilmember Straughan asked Town Manager Saunders if he wanted a motion as to how much they should do.

Town Manager Saunders stated that the debt was originally taken out for the Water/Sewer system and was actually on the books at 22 %.

Councilmember Nunn asked if that was before she became Chairman.

Town Manager Saunders said that they couldn't simply pay it off as the general fund.

Mayor Booth told Councilmember Nunn that she could use some of that to pay off her deficit.

Councilmember Nunn replied that she didn't have a deficit, she had a line item.

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Mayor Booth said that he thought everyone should know that Councilmember Smith had been so kind to research and provide him with the FY2012 numbers at the end of last week to research the total reserves and wanted to know if everyone was aware of what they were.

Councilmember Smith advised that it was in the packets.

**ACTION: Councilmember Smith made a motion to reduce the Town's bond debt by \$2,000,000 and that sufficient funds be moved from the General Fund to the Water/Sewer fund for said purpose, seconded by Councilmember Straughan;**

**Councilmember Donahue – yea  
Vice-Mayor Gravatt – yea  
Councilmember Nunn- yea  
Councilmember Smith – yea  
Councilmember Straughan – yea  
Councilmember Umphlett – yea**

**The motion was carried by a unanimous vote.  
Mayor Booth was also in support of the motion.**

d. Recommend that Council approve holiday gifts of \$100 for full time employees and \$50 for part time employees.

Councilmember Nunn stated that they had to be clear on the terminology because if it was a cash bonus it would be taxed. Mrs. Nunn asked if it was going to be a gift card.

Town Manager Saunders said that it was going to be a gift and jokingly said not to ask him any questions which generated laughter.

**ACTION: Councilmember Nunn made a motion to approve a holiday gift of \$100 in value for full time employees and a holiday gift of \$50 in value for part time employees, seconded by Vic-Mayor Gravatt; and carried unanimously.**

e. Recommend that Council approve the disposal of surplus equipment (1995 Utility truck and two 30 year old commercial generators) and authorize the staff to dispose of any surplus in the future as long as Council was notified.

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Councilmember Straughan advised that he would make that motion.

Councilmember Nunn stated that she would like to give the Town Manager blanket authorization to deal with this in the future so it would not have to be brought up every time.

Mayor Booth stated that Councilmember Straughan had already started to make the motion and asked him if it was okay to modify it.

Councilmember Straughan advised that it was.

**ACTION: Councilmember Straughan made the motion to authorize the Town Manager to dispose of surplus equipment namely a 1995 Utility truck and two 30 year old commercial generators, and any other surplus in the future amounting to less than \$10,000 in value, seconded by Councilmember Smith;**

#### **DISCUSSION:**

Councilmember Donahue stated that he did not feel that they should just give the Town Manager a blanket to sell surplus and felt that there should be a dollar amount attached to it.

Mayor Booth said that he thought they should because he could do everything else.

Councilmember Donahue thought they should have some realistic amount set.

Councilmember Nunn asked Mr. Donahue what he thought was a good amount.

Councilmember Straughan suggested anything under \$10,000 and modified his motion to reflect that.

**Mayor Booth called for the vote which was unanimous.**

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

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Town Manager Saunders wanted to welcome Officer Melvin Howard to the Police force who started at the end of October as part time but they hoped he would go full time soon. Mr. Saunders advised that he was an excellent addition to the department. Mr. Saunders thanked Councilmember Smith for his efforts on Friday to pull together the numbers that the Mayor requested. Mr. Saunders advised that Mayor that there was nothing there that he couldn't have gotten at any other time of the month. Mr. Saunders said that he was sorry he wasn't there on Friday but waiting until the last minute to ask for things that could have been generated any other time was par for the course.

Mayor Booth stated to Town Manager Saunders that he thought that five months had been ample time.

Town Manager Saunders finalized by saying that he wanted to wish everyone a Happy Thanksgiving.

## **9. Old Business**

There was no discussion under Old Business.

## **10. New Business**

Councilmember Donahue stated that they might want to think about not holding a Council meeting in December since it was the holidays and some Councilmember might not be able to attend any way.

Councilmember Nunn advised that they were required by the charter to hold a meeting.

Vice-Mayor Gravatt stated that he would not be at the next Council meeting because he was having surgery.

Councilmember Nunn jokingly told Vice-Mayor Gravatt that was one.

Mayor Booth said that it was going to be a light crowd at the next meeting so it would be a good time to raise their pay. Mayor Booth told Vice-Mayor Gravatt that he hoped his surgery went well. Mayor Booth said that the agenda was always light around Christmas time but they would have to announce the Christmas Lighting Contest winners.

Assistant Town Manager Cockrell advised that the 34<sup>th</sup> Annual light Christmas Parade would be held on December 14<sup>th</sup> and they were invited to ride on the Trolley during the parade. Ms. Cockrell advised that they would officially be lighting the Town for the holiday season tomorrow night. Ms. Cockrell advised that the event would begin at 5:30 pm in front of the Palmer Building with the lighting of

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the Christmas tree and refreshments. Ms. Cockrell stated that they would read out the names for the memorial banners.

### **11. Council Comments.**

Councilmember Smith stated that there were some comments made earlier this evening about the minutes not being correct but with the way that Councilmembers go back and forth and the Mayor with the Town Manager, he didn't know how anyone could get the minutes straight. Mr. Smith said that he thought they needed to sit back and try to run the meetings as professionally as they could. Mr. Smith stated that some of the comments being made needed to be put aside because that would be what was best for the Town.

### **12. Adjournment**

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

Meeting adjourned at 8:37 pm

Prepared by:

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Joan N. Kent

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Raymond C Booth, Jr., Mayor

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Cindy Balderson, Clerk

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