

December 17, 2012

**KILMARNOCK TOWN COUNCIL**  
**Monday, December 17, 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  
Shawn Donahue  
Rebecca T. Nunn

William L. Smith  
Howard Straughan  
Mae P. Umphlett

Members Absent:  
Emerson Gravatt, Vice-Mayor

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. Mayor Booth stated that he hoped everyone had a nice Thanksgiving and thanked the audience for taking their time to attend the meeting during this holiday season.

**2. Acceptance and Approval of Agenda**

Councilmember Nunn stated that she would like to permanently amend the agenda by adding Town Attorney Comments, Mayoral Comments, Council Comments, and then Town Manager Comments prior to Upcoming Events. Mrs. Nunn advised that they were bound by the Code to follow Robert's Rules of Order which she felt they had not been doing and hoped that in doing this, it would help to eliminate some of the personal statements that were being made. Mrs. Nunn said that this would give everyone a chance to speak with the Town Manager having the final word.

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**ACTION: Councilmember Nunn made a motion to permanently amend the Kilmarnock Town Council Meeting Agenda by adding Town Attorney Comments, Mayoral Comments, Council Comments, and Town Manager Comments prior to Upcoming Events, and to accept the December 17, 2012 meeting agenda with those amendments, seconded by Councilmember Straughan;**

**DISCUSSION:**

Mayor Booth advised that he had some statements he wanted to make and passed the gavel to Councilmember Smith in lieu of Vice-Mayor Gravatt's absence.

Councilmember Nunn asked Mayor Booth if he had been recognized by the Chair to speak.

Mayor Booth asked Councilmember Smith if he would recognize him so he could speak.

Councilmember Smith did so and Mayor Booth began his comments.

Mayor Booth advised that it was Christmas and he didn't want to get into a deep debate on this issue but stated that he wanted to remind Mrs. Nunn of some comments that she had made several months prior to the most recent election. Mayor Booth recalled when they had a particular individual at a meeting and he had mildly warned him not to personalize his comments because personal comments were not part of the meeting's decorum during the public forum. Mayor Booth vividly recalled comments that Mrs. Nunn made saying that the public forum was a forum in which anybody could speak to any issue as long as it was done respectfully. Mayor Booth said that he would continue to recognize the public forum as a time when any citizen, be it a Councilmember, himself, or a member of the audience, would still be able to exercise that right to use those three minutes. Mayor Booth stated that he was fine with her adding those sections to the agenda, and felt that Council would vote affirmatively to do so. Mayor Booth also wanted to remind Councilmember Nunn that when he was going to take the Council Comment section out of the agenda, she made a big flap about that. Mayor Booth said he felt that Councilmembers had the opportunity throughout the docket to make whatever comments they needed to. Mayor Booth reiterated that he was fine with the special segments and felt it would be utilized by him and the Town Manager most of the time to channel their comments but advised Mrs. Nunn that it would not preclude him or anyone else to speak during the 3 minute forum.

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Councilmember Nunn started to speak but was interrupted by Councilmember Donahue and advised that she had not been recognized by the Chair.

Councilmember Nunn continued by saying that when a person was elected to Council they spoke as either the Mayor or Councilmember and not during the public forum.

Mayor Booth asked Councilmember Nunn what rights she thought he had lost when he was elected Mayor and wanted to know if she was saying that he no longer had the same rights as a public citizen. Mayor Booth continued by saying that he certainly felt that he still had those rights and that she did as well.

Councilmember Nunn advised that when she said “anyone” she meant any of the public.

Mayor Booth reiterated that anyone could speak during the public forum segment.

Councilmember Nunn interjected that was fine and for him to go ahead and speak during the public forum but added that he had to be recognized first.

Mayor Booth advised that he was going to quote Mrs. Nunn on what she had said before the last election and made a campaign issue out of it which was “our public forum was part of the docket in which anyone, any citizen can speak on any issue for 3 minutes”.

Councilmember Nunn replied that was because he tried to take public comments section out and to limit what a person could say. Mrs. Nunn told the Mayor that he said that he wouldn't allow any political statements to be made during the public forum and she replied that they could say anything they wanted. Mrs. Nunn told the Mayor that it didn't have anything to do with him being able to say anything that he wanted, it was for the public. Mrs. Nunn stated that the Mayor could not limit what the public could talk about.

Mayor Booth asked the Acting Chair if they could discontinue the conversation in the spirit of Christmas.

**Acting Chair Smith asked if there were any other comments before he called for the vote. Hearing none, he called for the vote which was unanimous.**

Councilmember Smith handed the gavel back to the Mayor.

### **3. Approve, Correct, or Amend the Minutes**

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

**ACTION: Councilmember Donahue made a motion to approve the Joint Meeting Minutes from October 11<sup>th</sup>, 2012 as corrected and presented, seconded by Councilmember Straughan; and carried unanimously.**

B. Regular monthly meeting minutes held November 19, 2012

**ACTION: Councilmember Smith made a motion to approve the November 19, 2012 Town Council Meeting Minutes as presented, seconded by Councilmember Straughan;**

#### **DISCUSSION:**

Councilmember Nunn stated on page 8, middle paragraph, on the last line the word “at” needed to be inserted before the word “all”. Mrs. Nunn said that on page 11, “same ole, same ole” should be “same old, same old”. Mrs. Nunn advised that on page 18, “Councilmember Smith said that she was not sure” needed to be changed to “Councilmember Smith said that he was not sure”.

#### **MODIFIED MOTION:**

**ACTION: Councilmember Nunn made a motion to approve the November 19, 2012 Town Council Meeting Minutes with the above stated corrections, seconded by Councilmember Smith; and carried unanimously.**

Councilmember Smith advised that it was his opinion after reviewing the meeting minutes that they were transcripts of what was actually being spoken and not really considered to be minutes. Mr. Smith stated that the Admin/Finance Committee were going to discuss this at their next month’s meeting to see what it was that they really wanted and would bring a recommendation to Council.

#### 4. Public Comments and Presentations:

Mayor Booth asked if there was anyone in the audience who wished to speak on any matter.

Mr. Les Spivey of East Church Street, Kilmarnock VA stated that he wanted to apologize for becoming so frustrated at the lack of what he considered parliamentary procedure at the last meeting. Mr. Spivey said that the Town employees did an exceptional job preparing for the Christmas Parade and cleaning up afterwards. Mr. Spivey complimented Council, administration and employees on the excellent job.

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

There was no meeting held.

#### 6. Committee Reports:

Mayor Booth stated that it had been traditional to waive the reading of the Committee Reports at the December Council meeting with the exception of those Committee matters involving action items. Mayor Booth asked Council if they would like to continue with that tradition.

**ACTION: Councilmember Straughan made a motion to waive the reading of the Committee Reports with the exception of those that required action by Council, seconded by Councilmember Nunn; and carried unanimously.**

##### A. Water/Sewer Committee: Councilmember Nunn, Chair

###### 1) Report from December, 2012 Meeting

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

###### 2) Committee Recommendations to Council

There were no recommendations made to Council.

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

###### 1) Report from December, 2012 Meeting

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

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

There was no meeting held.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

There was no meeting held.

E. Town Centre Committee: Councilmember Straughan, Chair

1) Report from December, 2012 Meeting

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

2) Committee Recommendations to Council.

There were no recommendations made to Council.

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

1) Report from December, 2012 Meeting.

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

2) Committee Recommendations to Council

There were no recommendations made to Council.

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from December, 2012 meeting.

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

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## 2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from November 20, 2012 through December 17, 2012 totaling \$164,215.37

**ACTION: Councilmember Smith made a motion to approve the disbursements from November 20, 2012 to December 17, 2012 in the amount of \$164,215.37, seconded by Councilmember Nunn; and carried unanimously.**

b. Recommend that Council approve the assignment of Dr. Curtis H. Smith to the Planning Commission seat that has two years remaining and the assignments of Mr. Les Spivey and Ms. Ann Towner to the four year term seats.

**ACTION: Councilmember Smith made the motion to approve the assignment of Dr. Curtis H. Smith to the Planning Commission seat that has a two year term remaining that ends in August 2014 and the assignment of Mr. Les Spivey and Ms. Ann Towner to the seats that have a four year term, seconded by Councilmember Nunn; and carried unanimously.**

## 7. Old Business

There was no discussion held under Old Business.

## 8. New Business

There was no discussion held under New Business.

## 9. Comments

A. Town Attorney- Paul C. Stamm, Jr.

There were no comments.

B. Mayor- Raymond C. Booth, Jr.

There were no comments.

C. Council

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Councilmember Nunn wished everyone a Merry Christmas and a Happy New Year.

Mayor Booth shared Mrs. Nunn's sentiments. Mayor Booth reiterated that he hoped everyone had had a joyous Thanksgiving and he hoped everyone would have a wonderful Christmas. Mayor Booth wanted to thank the folks in the audience that showed up for the meetings, the staff, and his colleagues on Council and reiterated that he wished them all the joys of the season.

D. Town Manager – Tom Saunders

Town Manager Saunders stated that he wanted to thank the Town residents and businesses that participated in the Holiday Lighting Contest and for contributing to the look of the Town. Mr. Saunders thanked everyone who was involved with the lighted Christmas Parade and added that he had heard good comments concerning it. Mr. Saunders said that there would always be traffic issues but it was well worth doing and well done. Mr. Saunders noted that even though it was done by the Chamber the Town was involved in the decorating and prep and he wanted to especially recognize Franklin Carter, P. J. Jones, Kenny Lee, and Antwon Butler who were out late and as previously commented, anyone could barely tell that a parade had taken place in the Town. Mr. Saunders said that he especially wanted to thank the Town's own little elf, Susan Cockrell. Mr. Saunders advised that she was the ringleader, cheerleader, and everything else in between which generated applause. Mr. Saunders noted that he had the next Council meeting listed for January 28<sup>th</sup> which was the fourth Monday due to the fact that the third Monday of the month was a holiday and requested a motion to make the change official.

**ACTION: Councilmember Nunn made a motion to change the January Town Council meeting date to the fourth Monday of the month which would be January 28, 2013 in lieu of the third Monday of the month which would be January 21, 2013 and a state holiday, seconded by Councilmember Smith; and carried unanimously.**

Town Manager Saunders wished everyone a Merry Christmas.

Mayor Booth also thanked Assistant Town Manager Cockrell for all of her hard work during the Christmas Parade and noted that people downtown were affectionately referring to her as Mrs. Clause. Mayor Booth also thanked others who went out of their way to make the Town look festive. Mayor Booth announced the winners of the Holiday Lighting Contest.

**Commercial**

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1<sup>st</sup> Place- Coldwell Banker Real Estate at 276 North Main Street

2<sup>nd</sup> Place- Dunn Rite Auto Sales & Randy's Dunn-Rite Auto at 405 North Main Street

3<sup>rd</sup> Place- Carousel Physical Therapy at 500 Irvington Road

Judges' Choice- Steptoe's District

### **Residential**

1<sup>st</sup> Place- Shona & Steven Pacheco & Family at 430 Keith Avenue

2<sup>nd</sup> Place- Johnny & Kim Smith at 41 Roseneath Avenue

3<sup>rd</sup> Place- Eleanor Trusch at 9 Heatherfield Court

Honorable Mention – Brenda Scott at 16462 Mary Ball Road

Mayor Booth advised that everyone would receive a certificate signed by him and Town Manager Saunders and a “braggin’ rights” sign for their yard or business. Mayor Booth again thanked everyone for their participation.

Councilmember Nunn asked if the winners had been notified yet.

Mayor Booth said that he didn't think so.

Councilmember Nunn asked if the Garden Club were the judges again this year.

Ms. Cockrell replied that they were. Ms. Cockrell commented that they did an excellent job and she thanked Chief Bedell for driving them around Town.

Mayor Booth advised that the Garden Club had been the judges for quite some time and he thanked them.

### **10. Adjournment**

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

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Meeting adjourned at 7:32 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