

December 21, 2009

**KILMARNOCK TOWN COUNCIL
Monday, December 21, 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
Randy Moubray
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

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

ACTION: Councilmember Smith made a motion to accept the agenda for the December 21, 2009 Town Council meeting as presented, seconded by Councilmember Straughan; and carried unanimously.

3. Minutes: Approve, Correct, or Amend Minutes of the Regular Town Council Meeting held November 16, 2009.

ACTION: Councilmember Nunn made a motion to approve the November 16, 2009 Regular Town Council Meeting Minutes, seconded by Councilmember Smith; and carried unanimously.

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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 Forum

There were no participants in the public forum.

B. Presentations

Planning Commission Report: Councilmember Nunn, Council Liaison

Councilmember Nunn stated that there were three public hearings scheduled for the December 8th Planning Commission Meeting. The first public hearing held was in regards to a request by Suzanne Bellows c/o Partners for Lancaster County Schools Foundation to rezone 5.8 acres (Tax Map #24-22H-in part) in the vicinity of St. Andrews Presbyterian Church from A-1 Agricultural to R-2 Medium Density Residential to construct affordable rental housing for teachers, nurses and other workforce persons. Mrs. Nunn said that the Planning Commission was making a recommendation to Council to grant the rezoning. The second public hearing was in regards to a request by White Stone Land Partners, LLC to rezone 10 acres (Tax Map #28-143) in the vicinity of Technology Park from C-2 to M-1. Mrs. Nunn said that the Planning Commission was making a recommendation to Council to grant the rezoning. The third public hearing was in regards to a request by White Stone Land Partner's, LLC for a conditional use permit to place a fuel distribution center on 4 of the 10 acres. Mrs. Nunn advised that the public hearing was tabled until the January Meeting because their plan for the fuel distribution center was too generic.

5. Public Hearing:

There were no public hearings scheduled.

6. Committee Reports

A. Water/Sewer Committee: Councilmember Smith, Chair

1) Report from December 4, 2009 Meeting.

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

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Councilmember Smith stated that he was out of Town and unable to attend the meeting.

2) Committee's Recommendation to Council.

a. Approve Progress Engineers' proposal to assess School Street and Wiggins Avenue lift stations.

Town Manager Saunders advised that the committee was asking Council to approve Progress Engineers' proposal for the amount of \$3,600 to assess the School Street and Wiggins Avenue lift stations.

ACTION: Councilmember Nunn made a motion to approve Progress Engineers' proposal to assess the School Street and Wiggins Avenue lift Stations for \$3,600 to be taken from the Water/Sewer Operations Budget, seconded by Councilmember Smith; and carried unanimously.

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

No meeting was held.

Councilmember Nunn stated that she received a phone call from a Town resident wanting to know if there was an ordinance against having commercial equipment parked in his front yard.

Mayor Smith replied that there was not.

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

Report from December 14, 2009 meeting.

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

Vice-Mayor Jones reported that Town police had apprehended the individual who was responsible for painting the radio storage tank for a number of years. Mr. Jones said that Officer Kevin Dawson successfully completed his General Instructor training.

D. Emergency Preparedness Committee: Councilmember Smith, Chair

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There was no meeting held.

E. Economic Development Committee: Councilmember Nunn, Chair

Report from December 8, 2009 meeting.

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

Councilmember Nunn stated that the committee discussed the pros and cons of the upcoming request for a conditional use permit for a petroleum storage facility near Technology Park. Mrs. Nunn said that the committee discussed the impact that it would have on the Town, Tech Park, and the residents in that area. Mrs. Nunn mentioned how nice Dunn Rite Auto Sales looked and noted that on the night of the holiday parade they moved all of their cars that they had for sale so people could use their parking lot to watch the parade. Mrs. Nunn said that Ms. Cockrell gave an update on the proposed merger between the Kilmarnock Chamber of Commerce and the Lancaster County Chamber of Commerce and noted that the committee was in favor of the merger.

F. Town Centre Committee: Councilmember Nunn, Chair

Report from December 8, 2009 meeting

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

Councilmember Nunn advised that the committee was waiting on information and quotes from steel building suppliers. Mrs. Nunn stated that the committee examined a sketch of the current Town Hall property and discussed how they could use the existing property in the most efficient and cost saving manner. Mrs. Nunn said that the committee toured the property and that several ideas were presented to preserve the present building so that business could continue while the new facility was being constructed. Mrs. Nunn said that it was suggested that the old building be renovated after the new building was constructed. Mrs. Nunn said that Councilmember Moubray did not think the community would look favorably upon the Town if the old building were torn down. Mrs. Nunn reported that Town Manager Saunders and Ms. Susan Cockrell met with Landmark Design to discuss options for the Town Centre lot and various uses for it. Mrs. Nunn said that the committee envisioned a gazebo, a band shell, open space for the farmer's market, a dog park and perhaps biking and walking trails.

G. Administration/Finance Committee: Councilmember Straughan, Chair

1) Report from December 4, 2009 meeting.

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

Councilmember Straughan reported that the committee discussed the ongoing vacancy at the WWTP. Mr. Straughan said that the committee reviewed the Town's finances and noted that things were tight. Mr. Straughan stated that the committee would be bringing some comparisons to Council within the coming weeks and would be starting on next year's budget. Mr. Straughan advised that the committee discussed the options regarding the half-million dollar expense for the Community Block Development Grant.

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from November 16, 2009 to December 21, 2009.

ACTION: Councilmember Straughan made a motion to approve the disbursements from November 16, 2009 thru December 21, 2009 as presented, seconded by Vice-Mayor Jones; and carried unanimously.

b. Recommend that the date for the next Council meeting be changed from January 18 to January 25, due to Martin Luther King Holiday.

ACTION: Vice-Mayor Jones made a motion to change the date for the January Council meeting from January 18 to January 25 in observance of the Martin Luther King Holiday, seconded by Councilmember Smith; and carried unanimously.

7. Administrative Comments and Reports: Town Manager Saunders

A. Security cameras at major intersections are being investigated.

Town Manager Saunders advised that he had spoken with two vendors regarding security cameras for the major intersections in Town and was waiting for their estimates.

B. The Holiday Parade held December 11, 2009.

Town Manager Saunders thanked everyone who contributed their time to help make the Holiday Parade such a success and gave a special thanks to

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Community Development Strategist Susan Cockrell for her efforts. Mr. Saunders noted that it was well done and involved more than 100 units.

C. Holiday Lighting Contest Winners

Community Development Strategist Susan Cockrell stated that a list of the winners as chosen by the Kilmarnock Garden Club were included in each Councilmember's packet.

Residential Winners:

- 1st Place - 9 Heatherfield Court, Eleanor Trusch
- 2nd Place - 16462 Mary Ball Road, Brenda Norris
- 3rd Place - 39 Mablewood Street, William Smith

Commercial Winners:

- 1st Place - 500 Irvington Road, Carousel Physical Therapy
- 2nd Place - 34 East Church Street, Kilmarnock Inn
- 3rd Place - 405 North Main Street, Dunn Rite Auto Sales & Dunn-Rite Auto

People's Choice Awards:

- Residential – 9 Heatherfield Court, Eleanor Trusch
- Commercial – 217 South Main Street, The Learning Center

Councilmember Straughan stated that the Town Holiday Decorations looked very nice this year and employees involved deserved a big round of applause as well as Councilmember Nunn.

Town Manager Saunders said that he would like to mention everyone who helped with the Town Holiday Decorations which were Ms. Susan Cockrell, P.J. Jones, Franklin Carter, James Seagle and Wayne Kent.

Mayor Smith said that he wanted to thank Ms. Pam Deihl for allowing the Town to have the tree in front of the Palmer Building and having the tree lighting ceremony there as well.

D. Recognition of employees who have reached service milestones.

- Francis Stoughton – five years
- Wayne Kent - five years
- Johnny Smithart - five years
- Franklin Carter - ten years
- Judy Stevens - twenty years

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E. Status of investigation, recognition of participants, reward fund.

Town Manager Saunders stated that he would be making an announcement tomorrow regarding the Chase Street area sexual assaults investigation.

F. December 31st State Holiday

Town Manager Saunders reported that the Governor had declared December 31st as a state holiday and the Town Office would be closed.

8. Old Business

A. Offer of \$95,000 for 115 DMV Drive from Northern Neck Free Health Clinic.

Town Attorney Stamm stated that the Northern Neck Free Health Clinic had offered \$95,000 for 115 DMV Drive and as far as he could see everything was in order. Mr. Stamm said that a public hearing was not necessary since the property was located in an industrial zone and all that was required was a motion from Council to close the deal.

ACTION: Vice-Mayor Jones made a motion to accept the offer of \$95,000 from Northern Neck Free Health Clinic for 115 DMV Drive, seconded by Councilmember Smith; and carried unanimously.

9. New Business

A. Mary Ball Road CDBG Status Report: Asst. Town Manager Sebra

Assistant Town Manager Sebra reported that the Town was still in the pre-contract phase of the grant but was finishing up some of the final details from the long list of requirements provided by the state. Mr. Sebra said that he hoped the contract would be signed within a few weeks so the Town could proceed with the implementation of the grant. Mr. Sebra complimented consultants K.W. Poore & Associates and the community for all of their efforts in helping to get the Town to this point. Mr. Sebra gave special recognition to Mr. Joe Curry, Mr. Charles Cox and Mr. Moody for their efforts. Mr. Sebra asked Council to consider the following recommendations:

1) Recommend that Council establish the Housing Rehabilitation Advisory Board with bylaws for the Mary Ball Road Neighborhood Improvement Project and appoint Councilmember Moubray, Assistant Town Manager/Town

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Planner Sebra, Mr. Joe Curry, Mr. Otis Polk, Mr. Charles Cox, and Mr. Steve Daum as board members.

ACTION: Councilmember Straughan made a motion to establish the Housing Rehabilitation Advisory Board and appoint the above named individuals to serve on that board, seconded by Councilmember Smith; and carried unanimously.

2) Recommend that Council approve the Housing Rehab Program Design for the Mary Ball Road Neighborhood Improvement Project which outlines the way in which this portion of the grant project will be handled.

ACTION: Councilmember Nunn made a motion to approve the Housing Rehab Program Design as presented, seconded by Councilmember Smith; and carried unanimously.

3) Recommend that Council approve execution of Mary Ball Road Neighborhood Improvement Project CDBG pending the successful completion of all pre-contract activities as required by the VDHCD.

ACTION: Councilmember Straughan made a motion to approve execution of the Mary Ball Road Neighborhood Improvement Project CDBG, pending the successful completion of all pre-contract activities as required by the VDHCD, seconded by Councilmember Smith; and carried unanimously.

4) Recommend that Council approve the execution of the contract for services between the Town of Kilmarnock and K.W. Poore & Associates, Progress Engineers and Bay Aging related to the Mary Ball Road Neighborhood Improvement Project, pending contract execution between the Town of Kilmarnock and VDHCD.

ACTION: Councilmember Nunn made a motion to approve the execution of the contract for services between the Town of Kilmarnock, and K. W. Poore & Associates, Progress Engineers and Bay Aging related to the Mary Ball Road Neighborhood Improvement

Project, pending contract execution between the Town of Kilmarnock and VDHCD. Motion was seconded by Councilmember Straughan; and carried unanimously.

B. Assign enforcement of the Virginia Maintenance Code to the office of the Town Zoning Administrator and appoint Marshall Sebra as Code Official.

1) Recommend that Council assign the responsibility for enforcement of Part 3 of the Virginia Uniform Statewide Building Code, otherwise known as the Virginia Maintenance Code, to the office of the Town of Kilmarnock Zoning Administrator.

ACTION: Councilmember Nunn made a motion to assign the responsibility for enforcement of Part 3 of the Virginia Uniform Statewide Building Code, otherwise known as the Virginia Maintenance Code to the office of the Town of Kilmarnock Zoning Administrator, seconded by Councilmember Moubray; and carried unanimously.

2) Recommend that Council appoint Marshall Sebra as Code Official of the Town of Kilmarnock and report his appointment to the Virginia Department of Housing and Community Development within thirty days and further direct Mr. Sebra to take the classes and tests necessary to achieve full certification as a Maintenance Code Official within twelve months as required by law.

ACTION: Councilmember Nunn made a motion to appoint Marshall Sebra as Code Official of the Town of Kilmarnock and report his appointment to the Virginia Department of Housing and Community Development within thirty days and further direct Mr. Sebra to take the classes and tests necessary to achieve full certification as a Maintenance Code Official within twelve months as required by law, seconded by Councilmember Smith; and carried unanimously.

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10. Council Comments

Mayor Smith stated that he wanted to thank everyone who attended the holiday gathering at his home. Mayor Smith especially wanted to thank Ms. Susan Cockrell and Ms. Barbara Robertson for their efforts in making it a success.

11. Meeting Date Changes:

Town Manager Saunders stated that the meeting for the Streets/Sidewalks/Playground Committee had been moved from January 7th to January 13th.

Mayor Smith called for a brief recess at 7:32 pm.
Council was called back into session at 7:37 pm.

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

ACTION: Councilmember Nunn made the motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) Personnel to discuss performance evaluation or job assignments of specific employees, seconded by Councilmember Smith; and carried unanimously.

Council entered into Closed Session at 7:37 pm.
Regular Meeting reconvened at 7:44 pm.

13. 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 and nothing was discussed except the matters identified in the motion to convene in Closed Session. Motion was seconded by Councilmember Smith; and carried unanimously by roll call.

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

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14. Adjournment

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

Meeting adjourned at 7:46 pm.

Prepared by:

Joan N. Kent

Dr. Curtis H. Smith, Mayor

Jacqueline L. Blencowe, Clerk