

January 8, 2013

**KILMARNOCK PLANNING COMMISSION  
Tuesday January 8, 2013  
Town Hall  
Kilmarnock, VA**

**Regular Meeting Minutes**

**1. Call to Order**

Chairman Smith called the regular meeting to order at 7:00 pm with the following members present:

Dr. Curtis H. Smith, Chair  
Les Spivey, Vice-Chair  
Steve Bonner

Joan Gravatt  
Ann Towner

Members Absent:  
Shawn Donahue  
Lindsay Gardner

Staff Present:

Marshall Sebra, Zoning Administrator/Planning Director  
Tom Saunders, Town Manager  
Joan N. Kent, Transcriber

**2. Recognition of Guests:**

Chairman Smith welcomed Kilmarnock residents, business owners and guests. Mr. Smith recognized the Councilmembers who were seated in the audience.

**3. Acceptance of the Agenda**

Zoning Administrator/ Planning Director Sebra advised that he would like to add two items to the agenda. Mr. Sebra stated that he would like to discuss sign ordinance issues and give a brief update on the Mary Ball Road Community Block Grant Project under New Business/Staff Comments.

**ACTION: Commission Member Gravatt made a motion to accept the January 8, 2013 Planning Commission meeting agenda as amended , seconded by Commission Member Bonner; and carried unanimously.**

#### **4. Public Forum:**

Chairman Smith opened the public forum by inviting members of the audience to voice their concerns or ideas in regards to planning issues. Each speaker was limited to 3 minutes.

There were no public comments.

#### **5. Minutes: Approve, Correct or Amend the Minutes for the November 13, 2012 Planning Commission Meeting.**

**ACTION: Commission Member Gravatt made a motion to approve the minutes for the November 13, 2012 Planning Commission meeting as presented, seconded by Commission Member Towner; and carried unanimously.**

#### **6. Commissioner Comments**

Commission Member Bonner noted that the Town had hired an architect and was wondering what for. Mr. Bonner wanted to know if it was regarding the proposed remodeling or building of a Town Hall and would the Planning Commission be involved in that process.

Commission Member Joan Gravatt noted that she had been quoted as saying to Mr. Sebra that she had attended the VML Conference, and confirmed that she had. Mrs. Gravatt said that she talked to several people there regarding how their town handled the CIP and after speaking to one person for a lengthy period of time that person commented that the CIP was like a Christmas Wish List adding that if the Town had the money for a project they did it, if not they didn't do it. Mrs. Gravatt found that most towns handled their CIP in the same manner that Kilmarnock did. Mrs. Gravatt advised that one person told her that the Town had to be careful with the CIP because if an item was put in it and not done then the citizens might question why if the Town had the money to do so. Mrs. Gravatt finalized by saying that it was an interesting experience and she was glad that she went adding that the Town did not pay her expenses.

Commission Member Bonner asked Commission Member Gravatt why the Town didn't pay her expenses since she was on the Planning Commission. Mr. Bonner added that he didn't blame her because he wouldn't have charged the Town either but just wanted her to know they could have.

Commission Member Gravatt replied no.

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Chairman Smith stated that he noticed in the document sent to him that Table 1.5 listed the businesses and services in Kilmarnock. Mr. Smith wanted to make the point that two of the most of important services offered by the Town were not mentioned which was the library and hospital.

Mr. Sebra replied that he didn't know why that was because he wasn't working for the Town in 2006 when the consultants pulled the information.

Commission Member Spivey stated that he could not remember either but felt that maybe they didn't feel that they were a commercial concern.

Commission Member Gravatt stated that both were non-profit and maybe that was the reason why.

Commission Member Spivey said that he thought Chairman Smith was right and that they should be in there because they were a draw to the Town. Mr. Spivey thought that the information might have been pulled from business licenses.

Commission Member Towner commented that at the end of Chapter One under part D they did mention the medical services provided but noted that Chairman Smith was absolutely correct and that when they got into the concepts, she had prepared a memo that was just distributed to everyone for discussion purposes but noted that was one of the very things that she had noticed. Ms. Towner said that table would need to be updated among other things.

## **7. Old/Unfinished Business**

### Discussion of Comprehensive Plan

Zoning Administrator/Planning Director Sebra stated that Commission Member Towner had prepared a memo on topics that she would like to discuss. Mr. Sebra said that he and Ms. Towner had discussed slimming Chapter 1.

Commission Member Towner stated that the primary idea discussed between her and Mr. Sebra was they didn't want to go forward with the Chapter because it was a very labor intensive task and wanted to move in a direction that the Planning Commission concurred with. Ms. Towner said that the first overall concept was to eliminate discussion that did not apply to the Town except where to do so would place Kilmarnock in a regional context or where it would be helpful for comparison purposes. Ms. Towner advised that the plan stated that employment and income data were only available at a county level. Ms. Towner stated that she had found data now that was specific to Kilmarnock. Ms. Towner advised that the plan currently said that under build out conditions

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the Town would have a population of 2,150 but she and Mr. Sebra were going to check the GIS Database regarding this. Ms. Towner stated that even though it was possible that the Town would never reach build out status, the Comprehensive Plan was a planning document for the future. Ms. Towner wanted to be sure that the WWTP had the capacity to accommodate build out should it ever occur. Ms. Towner advised that was how the CIP related to the Planning Commission and their roll regarding land use development. Ms. Towner suggested that an easy way to solve it as a condition of permit approval in the future was that if someone proposed a PUD they would have to contribute their fair share of money to upgrade if necessary.

Chairman Smith stated that most of those issues had already been addressed by Council. Mr. Smith recalled that at one time the Town was considering extending lines to RWC and other places but examined whether the Town would be able to take care of itself if they were added on.

Town Manager Saunders advised that the WWTP was currently operating at 50% capacity. Mr. Saunders said that was about 65% of actual practical capacity and they were not allowed to run more than that without submitting a plan for expansion and spending a lot of money.

Chairman Smith stated that he understood that 80% was the trigger whereas they would have to expand.

Commission Member Spivey wanted to know if the 50% was due to real usage or because of water infiltration.

Town Manager Saunders replied that it appeared to be real usage. Mr. Saunders said that the plant was designed to handle a half a million gallons a day but during the heavy rains they go way over that. Mr. Saunders said that there was not an infiltration problem but more of an inflow problem with unsealed manholes.

Chairman Smith verified that Ms. Towner's comments were appropriate then.

Mr. Saunders replied yes and that there were choices that had to be made as the Town grew. Mr. Saunders said that the population was 1,448 now and would have to get to 2,500 or 2,800 before they hit that limit which wouldn't take long if the line was extended down Irvington Road or toward White Stone. Mr. Saunders said that the water system was more of a limiting factor but current thinking was that they would have to drill more wells and put in more pump stations. Mr. Saunders stated that currently they had more capacity in their sewer system.

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Commission Member Towner advised that the 2006 plan said that build out would be 2,150 people and wanted to know if that included the acreage adopted after 2006.

Mr. Sebra replied that it did not.

Ms. Towner said that the demographic section would have to be modified to include that.

Commission Member Spivey said that in his opinion they had to update demographic information before some of the discussions were valid. Mr. Spivey wanted to know where Ms. Towner found the information specific to Kilmarnock only.

Ms. Towner replied she got the data from the 2010 census. Ms. Towner stated that in the economic section she and Mr. Sebra felt it was important to update the information about the impact of tourism on the economy. Ms. Towner said that in the demographic issues there was a discussion concerning affordable housing so they may want to add a section regarding that. Ms. Towner wanted the Planning Commission to consider the direction being taken to update Chapter 1 before they put a lot of work into it.

Commission Member Bonner replied he thought they had to do that. Mr. Bonner advised that it was fruitless to do anything until the data was updated.

Commission Member Spivey stated that he thought their direction was fine. It was the general consensus of the Planning Commission for Mr. Sebra and Ms. Towner to proceed on their projected path.

Mr. Sebra asked if they could agree on the number of pages for Chapter 1 which was currently 16 and he wanted to get it down to 2 which generated laughter.

Commission Member Spivey stated that when they were first involved with creating the Comprehensive Plan, they did so as if it was a sales tool. Mr. Spivey said in other words they fluffed it.

Commission Member Bonner said that they were told that anyone who was interested in the area grabbed the Comprehensive Plan and if the Town didn't look good in that then they would go somewhere else.

Commission Member Towner stated that in her draft she cut the entire first page because it talked about the American Revolution and other things that didn't have anything to do with Kilmarnock at all.

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Commission Member Spivey jokingly replied that they left out the Civil War.

Chairman Smith advised that everyone wanted to know why the Town was named Kilmarnock. Mr. Smith said that he was asked that question when he went to Kilmarnock Scotland. Mr. Smith noted that the Town was the only one in America named Kilmarnock.

## **8. Public Hearing**

There was no public hearing held.

## **9. New Business/Staff Comments**

### **A. Sign Ordinance Issues**

Zoning Administrator/ Planning Director Sebra stated that he was asked to have the Planning Commission look into the Town's sign ordinance regarding mobile billboards and directional signs. Mr. Sebra advised that this was specific to the Antique Gallery truck.

Commission Member Gravatt felt that this had already been addressed at one time.

Mr. Sebra advised that it had not been long ago when they discussed the sign ordinance as a whole which had to do with LED and illumination. Mr. Sebra said that he was bringing this to their attention now to see if they felt that it was something that needed to be looked into.

Chairman Smith felt it would be nice to have some type of guidance document for direction.

Commission Member Spivey questioned whether the Town, county or state government could tell someone if they could or could not put a name, number or address on the side of their truck unless it created a hazard such as blinking lights or another means of distraction. Mr. Spivey said that if the Town didn't allow signs on trucks then they couldn't allow signs on cars and he didn't see a logical way to do that.

Commission Member Towner said that the Town had adopted a sign ordinance which had been codified and wanted to know if there was anything in it that said that pre-existing signs were grandfathered.

Mr. Sebra replied that there were probably sections that spoke to that sort of situation but in all reality they just couldn't go back to everyone who

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had a sign and give them a specific amount of time to conform. Mr. Sebra said he felt the pre-existing signs were automatically grandfathered.

Commission Member Bonner stated that a person didn't have to put in an application for a truck sign. Mr. Bonner said that truck signs were the fastest growing form of advertisement there was. Mr. Bonner stated that he thought that a mobile sign was one in which it was brought to a specific location by a vehicle and then dropped off.

Commission Member Towner said that it was her understanding that if it was on a vehicle that could be driven away then it was considered just a sign on a vehicle.

Commission Member Spivey commented it was a paint job on a truck.

Town Manager Saunders asked Mr. Spivey if he would agree that the Town could prohibit billboards.

Commission Member Spivey replied he did agree with that because they were fixed and stationary.

Mr. Saunders asked if a billboard should be allowed if wheels were put under it.

Commission Member Spivey replied yes.

Mr. Saunders stated that he disagreed.

Mr. Spivey said that if it could not be used as a vehicle then it wasn't a vehicle.

Mr. Saunders replied that it was not being used as a vehicle but instead was just being parked and never moved.

Chairman Smith stated that he thought the Steptoe's District had tighter control than the rest of the Town regarding these matters.

Mr. Saunders replied that this was just a matter of definition. Mr. Saunders said that if it was a sign it was illegal and could be regulated. Mr. Saunders advised they were not trying to stop anyone from putting anything on the side of their vehicle as long as it wasn't obscene or offensive but that was in regards to vehicles being used in the course of a business and not a directional sign with an arrow that never moved.

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Commission Member Bonner advised that the truck was not there tonight.

Commission Member Spivey said that if it moved and has a license plate on it then it was a vehicle.

Town Manager Saunders replied that he felt it was an off premises directional sign and the code spoke specifically on that.

Commission Member Spivey said that from his viewpoint once the sign was on a vehicle which was licensed by the state it became a paint job.

Mr. Saunders said that they were using Mr. Bonner's truck as an example but if that was the definition and anything with wheels and a license plate could get a person by then they might have a lot of cars, trucks, and old jalopies parked all over Town.

Commission Member Bonner replied that there already was. Mr. Bonner mentioned Noblett's, Booth's, and Davis Dodge.

Town Manager Saunders replied that theirs were located on their own piece of property. Mr. Saunders said that he didn't mean for this to be easy because if it was then they could have settled it amongst themselves. Mr. Saunders stated that they were looking for guidance from the Planning Commission.

Commission Member Spivey said that he didn't even like the looks of them but he was a conservative, freedom loving individual that not only wanted to be able to paint his name on his vehicle but someday wanted to finish his house which generated laughter.

Commission Member Bonner said that the only thing that made his sign directional was the arrow.

Chairman Smith said that he thought this was a matter that would have been taken care of by Council.

Mr. Spivey replied that the Planning Commission dealt with sign ordinances.

Commission Member Gravatt reiterated that she thought they had already dealt with all of this.

Mr. Sebra replied that the way this had been dealt with was by the Planning Commission saying that they didn't want to restrict the businesses no more than they already had and that was it. Mr. Sebra stated that he looked at it in the manner of what would the Town look like if every business did this. Mr.

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Sebra said that when he sees things that could be a potential problem in the future he brought them up for discussion.

Commission Member Gravatt asked if it was on private property.

Commission Member Bonner replied that it was.

Commission Member Towner asked that the conversation be tabled until next month after everyone had a chance to review the sign ordinance.

Mr. Sebra stated that he was not asking for a decision of any kind at the present, he was just bringing this to their attention for guidance.

It was the general consensus of Planning Commission Members to table the discussion to next month.

#### B. Capital Improvement Project

Zoning Administrator/Planning Director Sebra advised that a copy of the CIP was included in each Commission Member's packet.

Town Manager Saunders stated that he was there to invite each of them to comment on the Capital Improvement Plan before March. Mr. Saunders said it was a living document that currently showed FY's 11 – 17 noting that they were currently working on FY13 and would be working on the FY14 budget soon which had to be approved in May and June and went into effect in July. Mr. Saunders advised that it was never fixed but always evolving and was a five year projection. Mr. Saunders stated that priorities change, needs change and things stop working when least expected causing money to be moved around. Mr. Saunders said that their opinions would be considered during the development process.

Commission Member Spivey asked what the \$20,000 for Church Street building repairs was about.

Mr. Saunders said that it was for the Church Street Well and added that most of the work that needed to be done was on the inside.

Commission Member Spivey asked if all of the radio read meters were done this year instead of over the next five years wouldn't that reduce the labor effort on reading meters.

Saunders replied yes but stated that they have had a difficult time even getting an estimate for having the work done because there was such a variety of old meters some ranging from 60 to 70 years old. Mr. Saunders said to get an exact quote from a contractor had been impossible and he wasn't brave

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enough to go to Council for a blank check. Mr. Saunders advised that they were replacing all that they could as they went along however they were not going down each street and digging them up.

Commission Member Bonner said that the theory of switching to radio read meters began with the Planning Commission.

Commission Member Spivey replied that was a long time ago. Mr. Spivey asked for clarification from Town Manager Saunders that the problem was that they could not figure out the cost to switch the whole Town over.

Town Manager Saunders replied that was correct noting that the last estimate he had was a thousand dollars each on an average. Mr. Saunders said that would be for the harder ones and the easy ones they could do their selves.

Mr. Sebra said that one thing that had been done was they were able to characterize the meters and draft a map listing the type of meters they had in specific locations.

Town Manager Saunders commented that was very helpful but added that there was bad news found in that as well. Mr. Saunders said that what they found was that they had more of the difficult meters to replace than they thought.

Commission Member Bonner suggested that Town Manager Saunders come to the next meeting so they could go over the CIP line by line.

Town Manager Saunders replied that he thought he was aware of what the priorities were going to have to be.

Commission Member Bonner asked that it be put on the agenda for next month and questioned again why the Town had hired an architect.

Mr. Sebra replied that a request for qualifications was sent out for firms that wanted to put their name in the hat for designing the Town Hall facility. Mr. Sebra stated that it was fairly fresh to him because he had not been privy to any details.

Town Manager Saunders said that Council asked staff to issue an RFQ from design architect firms and they had received a number of replies by last week's deadline. Mr. Saunders advised that the way the state procurement policy worked was that a firm was not chosen based on price but based on qualifications. Mr. Saunders said that they had not even opened the envelopes yet to start the review process. Mr. Saunders stated that there was no firm

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decision as to where the facility would even go and they were on step one of a long path.

Commission Member Bonner advised that the last time the topic came up it created uproar. Mr. Bonner wanted to know how much input was the Planning Commission and citizens of Kilmarnock going to have regarding any decisions on whether to build a new Town Hall or remodel the old one.

Town Manager Saunders replied that would be a question for Council. Mr. Saunders said that this process was going to take a while and there would be plenty of time for input but it would be up to Council on how far they reached out.

Chairman Smith advised that it was a whole lot to it because if they wanted to sell the current building they had to have a super vote.

#### C. Zoning Log Report

A copy of the report was included in each Commission Member's packet.

#### D. Mary Ball Road Project Update

Zoning Administrator/Planning Director Sebra advised that the rehab projects had been completed and they were now moving into phase II which was street lights and sidewalks. Mr. Sebra provided Planning Commission Members with a sketch. Mr. Sebra stated that seven street lights would be put in the area and he wasn't sure about the amount of the sidewalks at this time due to funding. Mr. Sebra commented that the sidewalks would be very beneficial since there were people in that area who walk to work every day.

Commission Member Bonner asked if the sidewalks would run down Wiggins Avenue.

Mr. Sebra replied that the Mary Ball Road Project did not incorporate Wiggins Avenue.

Commission Member Bonner stated that there was one individual down there that was confined to a motorized wheel chair.

Mr. Sebra replied that he was familiar with him. Mr. Sebra stated that the need for sidewalks in that area had been brought to the attention of the Streets Committee. Mr. Sebra advised that the grant wouldn't allow the Town to connect to existing sidewalks outside of the project area but was hoping to bridge that gap in the near future. Mr. Sebra said that Tartan Village already had

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sidewalks going down one side and all the Town had to do was meet it at the road.

Chairman Smith stated that when the New Horizons project was put in there was a lot of discussion about sidewalks being put on School Street which never happened. Mr. Smith wondered if that was because of money.

Mr. Sebra replied that he could not recall what happened when New Horizons was put in but could recall that a few years ago everyone including Council realized that School Street and Town Centre Drive were the two main places where sidewalks were really needed. Mr. Sebra advised that they ran into a few problems with VDOT on School Street and the easier option turned out to be Town Centre Drive which never panned out either. Mr. Sebra stated that he had some good ideas for that area.

Commission Member Bonner wanted to know if the CIP had \$150,000 in it for sidewalks.

Mr. Sebra said that he didn't know if it did or not.

Mr. Bonner told Mr. Sebra that he had it right in front of him.

Mr. Sebra replied that he had not studied the CIP.

Mr. Bonner told him to look down one third of the page.

Mr. Sebra asked Mr. Bonner to tell him what it said.

Commission Member Towner replied that it just referred to streets not sidewalks.

Mr. Sebra advised that was a question for Council because he didn't have much to do with that.

Commission Member Bonner stated that what Commission Member Gravatt had said earlier was true, if something was put in the CIP then people were going to question it when the money was spent for something else.

Mr. Sebra said that sidewalks were very important and there were places like School Street where they were really needed.

Commission Member Towner stated that she didn't understand something on page two of CIP which referred to sell value, site planning and site work for new Town Hall and asked what it related to.

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Chairman Smith replied that preliminary plans would be drawn up for the Town Centre.

Commission Member Gravatt replied that didn't mean the money allocated would get spent, it was just there if it was needed.

Commission Member Bonner said that was why the Planning Commission should be in on doing the CIP then they wouldn't have to ask questions.

Commission Member Spivey told Mr. Bonner that he didn't want to get into that discussion because he would disagree with him every time. Mr. Spivey told Mr. Bonner that was his opinion that the Planning Commission was supposed to be.

Commission Member Spivey and Mr. Bonner bantered back and forth causing Chairman Smith to strike the gavel for order.

Commission Member Bonner apologized to the Chairman.

## 10. Adjournment

**ACTION: Vice-Chair Spivey made the motion to adjourn, seconded by Commission Member Bonner; and carried unanimously.**

Meeting adjourned at 8:03 PM

Prepared by:

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Joan N. Kent

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Dr. Curtis H. Smith, Chair