

July 14, 2009

KILMARNOCK PLANNING COMMISSION
Tuesday July 14, 2009
Town Hall
Kilmarnock, VA

Regular Meeting Minutes

1. Call to Order

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

Raymond Booth, Chair
Gary Anderson, Council Liaison
Dave Reedy
Steve Bonner
William Smith

Members Absent:

Claudia Williamson, Vice Chair
Jane Ludwig

Staff Present:

Tom Saunders, Town Manager
Marshall Sebra, Assistant Town Manager/ Planning Director
Paul C. Stamm, Jr., Town Attorney
Joan N. Kent, Transcriber

2. Recognition of Guests:

Chairman Booth welcomed Kilmarnock residents, business owners and guests.

3. Acceptance of the Agenda

ACTION: Commission Member Reedy made a motion to accept the July 14, 2009 Planning Commission meeting agenda as presented, seconded by Commission Member Smith; and carried unanimously.

4. Public Forum

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Chairman Booth 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.

A. Mr. Alex Haseltine, a reporter for the Rappahannock Record assigned to cover the Planning Commission meetings, announced that he was going to Argentina for several months and then on to New York to attend culinary school. Alex said that he had enjoyed working with everyone.

Members of the Planning Commission wished him well on his endeavor.

B. Chairman Booth made the solemn announcement regarding the passing of retired Kilmarnock Police Chief, L. P. Schools.

Commission Member Bonner stated that L. P. Schools was an icon in the community. Mr. Bonner said that Mr. Schools served as the Kilmarnock Police Chief for a period of nine years and did an excellent job. Prior to that, he ran the Exxon station in Town, which served as the gathering location for almost everyone that grew up in this area. Mr. Schools used the station as a central dispatch location for the Kilmarnock Volunteer Rescue Squad, which he helped to establish. Mr. Bonner noted that Mr. Schools was a lifetime member of both the Kilmarnock Volunteer Rescue Squad and the Kilmarnock Volunteer Fire Department and held almost every position imaginable in each. Mr. Bonner stated that Mr. Schools lived his life helping others and for that reason he wanted to make a recommendation to the Town Council to pass a formal resolution recognizing Mr. L. P. Schools for his years of service to the Town and to the community.

ACTION: Commission Member Bonner made a motion to recommend to Town Council that a formal resolution be passed recognizing Mr. L. P. Schools for his years of service to the Town of Kilmarnock and the community overall, seconded by Commission Member Smith; and carried unanimously.

5. Minutes: Approve, Correct or Amend the Minutes for the May 12, 2009 Planning Commission Meeting.

ACTION: Commission Member Reedy made a motion to approve the minutes for the May 12, 2009 Planning Commission meeting as presented, seconded by Commission Member/Council Liaison Anderson;

and carried unanimously.

6. Public Hearings

A. Chesapeake Bay Preservation Overlay Ordinance- Text Amendments:

The purpose of the hearing was to solicit public input on text amendments to the Town of Kilmarnock's Chesapeake Bay Preservation Overlay Ordinance for conformity with the Virginia Department of Conservation and Recreation's Compliance Evaluation.

1. Chairman Booth opened the public hearing.
2. Chairman Booth asked for staff comments.

Assistant Town Manager Sebra gave a brief overview of the text amendments to the Chesapeake Bay Preservation Overlay Ordinance, which were included in each Commission Member's packet. Mr. Sebra had created a map for general purposes which he displayed depicting the resource protection areas within the Town.

Town Attorney Stamm advised that the amendments were in compliance with state law and had already been adopted by the county.

Commission Member Bonner said that he understood the procedure. The amendments were mandated by State law, adopted by the county and now the Town had to go along with it.

Chairman Booth stated that he dealt with this type of ordinance because of the business that he was in, and noted that the Board of Supervisors could grant certain variances within the county. Chairman Booth asked who or what board made decisions regarding variances for the Town.

Town Attorney Stamm replied that there had never been a request of this nature presented to the Town.

Chairman Booth replied that it wasn't like the Town was dealing with waterfront lots.

Town Attorney Stamm referred to Mr. Bonner who owned property within the RPA and stated that Mr. Bonner probably wouldn't go down the hill on his property and build a house.

Commission Member Bonner replied that the home built within the last two years near his house had been built only about 25 feet away from the RPA.

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Chairman Booth asked again who would hear a request for a variance within the Town.

Town Attorney Stamm replied that the request would go before the Town Planning Director, Marshall Sebra.

Mr. Sebra agreed that any request for a variance would be given to him and then forwarded to the Planning Commission for discussion. Mr. Sebra noted that this type of variance was difficult to get.

Chairman Booth said again that he did not think variance requests would surface very often with the Town because most of the areas in the RPA were for drainage and were not waterfront lots.

Planning Director Sebra promised to stay on top of things regarding the Chesapeake Bay Preservation Ordinance.

Chairman Booth commented that the Town was very fortunate to have Mr. Sebra who had extensive experience in this area.

Mr. Sebra stated that September 30th was the Town's deadline for being in compliance with the State and therefore he recommended that the Planning Commission approve the text amendments and forward the issue to Town Council.

3. Chairman Booth asked for public comments.

There were no public comments made.

4. Chairman Booth closed the public hearing.

5. Chairman Booth asked for Commission Member's discussion and/or action.

Commission Member/Council Liaison Anderson advised that part of the soon to be proposed project referred to as Kilmarnock Glens would have RPA on both sides and that the developers had provided for this in their plans.

Chairman Booth asked Planning Director Sebra for his thoughts on the five-year mandatory cleaning out of septic systems.

Planning Director Sebra replied that the Town had approximately 200 properties with private septic systems and noted that he

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would identify, as best he could, those property owners and send them notification.

Chairman Booth asked Mr. Sebra what would happen if the property owners did not comply.

Town Attorney Stamm said that the property owner had an alternative, which was to get a letter from a septic company saying that their system had been inspected and did not need to be pumped.

Planning Director Sebra said that the text amendments would give people this option. Mr. Sebra stated that he had no intention of taking property owners to court if they did not comply.

Commission Member Bonner recalled that when he was growing up there was a sewer ditch behind the school.

Chairman Booth said that he realized that the Town had to be in compliance and that amending the ordinance was the only feasible thing that could be done. However, being in the landscaping and excavating business as he was, Mr. Booth said that he was not a big fan of the Chesapeake Bay Preservation Act because he felt that in many cases, the government had set up standards that caused people a great burden to meet.

Commission Member/Council Liaison Anderson stated that the State was trying to get everything running in the right direction because the Chesapeake Bay was in dyer straights. Mr. Anderson said that the ordinances were created to set precedence for the future.

Town Attorney Stamm said that inevitably the five-year pump outs could save the property owner a lot of money in the future. Mr. Stamm stated that a septic system left unattended for many years could lead to some very expensive problems to resolve.

Chairman Booth stated for the record that even though he had a problem with some of the regulations required by the Chesapeake Bay Preservation Act, he was in favor of protecting the bay and the environment. Mr. Booth just felt that some of the regulations put an undue burden on people building houses. Mr. Booth said in regards to the text amendments, they were common sense and were needed in order to be in compliance with the State.

ACTION: Commissioner Reedy made a motion to recommend to Council that the text amendments to the Chesapeake Bay Preservation Act be adopted as presented, seconded by Commission Member Smith; and carried with a vote of 4

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members in favor of and one abstention.

Commission Member Bonner abstained from voting because he owned property that fell within the RPA.

7. Commissioner Comments

There were no Commissioner comments made.

8. Old Business/ Unfinished Business

A. Mary Ball Road Neighborhood Improvement Grant Project (CDBG)-
Marshall Sebra, Assistant Town Manager

Assistant Town Manager Sebra was proud to announce that the Town of Kilmarnock had been fortunate to receive 1.4 million dollars in grant money to fund the 2.5 million dollar Mary Ball Road Neighborhood Improvement Project. Mr. Sebra said that the hard work and effort put forth by many had paid off. Mr. Sebra gave a brief overview of what property owners in that project area could expect.

Commission Member Smith asked if this project would provide local people with employment.

Assistant Town Manager Sebra replied that he was almost certain that local contractors would provide some of the winning bids.

9. New Business

A. Town of Kilmarnock Comprehensive Plan 2011- Marshall Sebra,
Assistant Town Manager.

Assistant Town Manager Sebra said that he wanted Commission Members to begin thinking about the Comprehensive Plan and what if any changes were to be made by February 2011.

Commission Member Bonner advised that the Planning Commission had promised to continuously update the Comprehensive Plan already established. Mr. Bonner said that the Planning Commission had great success in discussing a section of the Comprehensive Plan at each meeting instead of trying to revise it all at once. Mr. Bonner would like to see that process continued.

Town Attorney Stamm agreed with Mr. Bonner.

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B. Commission Member Steve Bonner's term to expire September 8, 2009.

Chairman Booth advised Commission Members that Mr. Bonner's term would expire on September 8, 2009. Mr. Booth asked for nominations to fill the seat.

Commission Member Reedy noted that Mr. Bonner had more years of service than any other member and had done an outstanding job. Therefore, Commission Member Reedy recommended Mr. Bonner for reappointment.

Chairman Booth agreed with Commission Member Reedy.

ACTION: Commission Member Reedy made a motion to recommend to Council that Commission Member Steve Bonner be reappointed to serve on the Kilmarnock Planning Commission, seconded by Commission Member Smith; and carried with 4 votes in favor of and 1 abstention. (Commission Member Bonner abstained)

10. Adjourn

ACTION: Commission Member Bonner made a motion to adjourn, seconded by Commission Member/ Council Liaison Anderson; and carried unanimously.

Meeting adjourned at 7:50 pm

Prepared by:

Joan N. Kent

Raymond Booth, Chair