

KILMARNOCK TOWN COUNCIL
Monday, November 17, 2014
Town Hall

Regular Meeting Minutes

1. Call to Order:

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

Mae P. Umphlett, Mayor
Rebecca T. Nunn, Vice-Mayor
Maj. Chris Allen

Mr. Keith Butler
Mr. Emerson Gravatt
Capt. Michael Sutherland

Members Absent:

Dr. Curtis H. Smith (Due to Town business)

Staff present:

Tom Saunders, Town Mgr.
Marshall Sebra, Zoning Adm/Planning Director
Cindy Balderson, Town Clerk
Michael S. Bedell, Chief of Police

Mayor Umphlett welcomed Kilmarnock residents, business owners, and guests. Mayor Umphlett led the recital of the Pledge of Allegiance.

2. Acceptance and Approval of Agenda:

ACTION: Vice-Mayor Nunn made the motion to accept the November 17, 2014 Town Council meeting agenda as presented, seconded by Councilmember Allen; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of the October 20, 2014 Town Council Meeting:

Two errors were detected. The first was on page 4 in the second paragraph. The sentence should begin with "Councilmember Butler". The second was on page 5 in Section D and should read "Councilmember Sutherland".

ACTION: Vice-Mayor Nunn made the motion to approve the October 20, 2014 Town Council meeting minutes as amended, seconded by Councilmember Sutherland; and carried unanimously.

4. Public Comments:

Mayor Umphlett invited members of the public to speak on any matter with the exception of scheduled public hearings and to limit their comments to three minutes per person.

Mr. Ben Estes of 320 Overlook Court, Lancaster VA, inquired as to whether Council had reached a decision or counter offer regarding the Town property at 514 North Main Street being leased for the proposed Cultural Center. Vice-Mayor Nunn advised Mr. Estes that the issue would be coming up for discussion later in the meeting.

5. Planning Commission Report: Councilmember Allen, Council-Liaison

Councilmember Allen reported that the Kilmarnock Planning Commission held a public hearing at their November 10th, 2014 meeting regarding a request for a conditional use permit to operate an auction house and activities center at 33 Irvington Road. The Planning Commission made a motion to recommend to Council that the conditional use permit be granted.

6. Committee Reports:

A. Police and Public Safety Committee: Councilmember Gravatt, Chair

Councilmember Allen gave the report.

1. Report from November, 2014 meeting.

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

2. Recommendations to Council

There were no recommendations made to Council.

B. Economic Development Committee: Councilmember Gravatt, Chair

Vice-Mayor Nunn gave the report.

1. Report from November, 2014 meeting

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

2. Recommendations to Council

There were no recommendations made to Council.

C. Streets, Sidewalks, and Playground Committee: Councilmember Butler, Chair

1. Report from November, 2014 meeting

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

2. Recommendations to Council:

Recommend that Council endorse and accept the "People's Park" Conceptual Plan as submitted, authorize staff to proceed with obtaining further design and engineering services.

ACTION: Councilmember Butler made a motion to accept the "People's Park" Conceptual Plan as submitted and to authorize staff to proceed with further design and engineering services, seconded by Councilmember Allen;

DISCUSSION:

Councilmember Nunn commented that she had received complaints from citizens who did not want the playground moved from its current location. Mrs. Nunn had concerns that if moved to the suggested location at the "People's Park" the playground would be difficult to police.

Chief Bedell replied that with proper lighting it could be managed.

Councilmember Allen stated that he had also received information from citizens who did not want the playground moved from its current location because it was being utilized by children in that vicinity and was within walking distance from their homes.

Zoning Administrator/Planning Director Sebra addressed Council by saying that the primary results from the community survey showed that a playground was desired at the "People's Park". Mr. Sebra advised that the three possibilities discussed were to have a playground at "People's Park" by switching the locations of

the current dog park with the current playground, not having a playground at the "People's Park" and using the one currently in existence, or simply having two playgrounds in the Town. Mr. Sebra commented that whatever Council decided would go into the final plan. Mr. Sebra finalized by saying that the working committee just wanted to make sure all options had been put on paper.

Councilmember Butler stated that the "People's Park" should have a playground to coincide with the splash park there. Mr. Butler felt that having two playgrounds within Town wouldn't hurt anything.

Town Manager Saunders recognized the effort put forth by the citizen's working committee and Mr. Sebra on the conceptual plan. Mr. Saunders suggested that Council might want to consider resolving the issue in Committee so as not to take up engineering time or spend money unnecessarily to make changes later.

Councilmember Sutherland stated that an open house was held for the general public to view the conceptual plan and at that time the three options were presented, but a clear choice was not decided. Mr. Sutherland felt that the public should have a say in the final decision.

Mr. Sebra stated that he could arrange a public hearing for the December Town Council meeting. Mr. Sebra said that the Town Hall might have to open early or stay open late to accommodate the working citizens who wanted to view the plans.

Councilmember Butler withdrew his motion and the issue was tabled until the December meeting.

D. Water and Sewer: Councilmember Sutherland, Chair

1. Report from November, 2014 meeting.

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

2. Recommendations to Council.

There were no recommendations made to Council.

E. Admin/Finance Committee: Vice-Mayor Nunn, Chair

1. Report from November, 2014 meeting

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

2. Recommendations to Council:

a. Recommend that Council approve the disbursements from October 21, 2014 through November 17, 2014.

ACTION: Vice-Mayor Nunn made the motion to approve the disbursements from October 21, 2014 through November 17, 2014 totaling in the amount of \$156,333.64, seconded by Councilmember Sutherland; and carried unanimously.

b. Recommend that Council approve the zoning application for Mr. Giggles Fun House with three stipulations:

1) No on-site water slide without Town review and approval including the approval of a water discharge plan.

2) Compliance with all county and state regulations

3) No patrons over the age of 13.

ACTION: Vice-Mayor Nunn made the motion to approve the zoning application for Mr. Giggles Fun House with the three stipulations listed above, seconded by Councilmember Sutherland; and carried unanimously.

c. Recommend that Council authorize the purchase of a Christmas banner in memory of Joyce and Howard Straughan.

ACTION: Vice-Mayor Nunn made the motion to authorize the purchase of a Christmas banner in memory of Joyce and Howard Straughan, seconded by Councilmember Butler; and carried unanimously.

d. Recommend that Council decline the offer from the proposed Cultural Center to lease Town property at 514 North Main Street

Councilmember Gravatt commented that the property could be purchased from the Town but not taken off the market to be leased and made the following motion:

ACTION: Councilmember Gravatt made the motion to decline the proposed Cultural Center's lease offer for 514 North Main Street, seconded by Councilmember Butler;

DISCUSSION:

Councilmember Allen stated that although he felt the Cultural Center was a good idea and would benefit the Town, he was in support of Councilmember Gravatt's motion. Mr. Allen said that prior to him being on Council, the citizens were told that the property at 514 North Main Street would be sold to help subsidize the cost of purchasing the current Town Hall. Mr. Allen apologized to Mr. Estes on behalf of the Committee for not getting this information in writing to him prior to the meeting.

Councilmember Gravatt felt that the Cultural Center would not be able to generate enough revenue to sustain its existence at 514 North Main Street.

Mr. Estes asked that the minutes reflect that the lease offer made was not only on behalf of Lancaster Players as mentioned by Council, but also on behalf of Bay Aging.

Mayor Umphlett recognized Mr. Estes comment and called for the vote which was 4 to 0 in favor of declining the lease offer from the proposed Cultural Center. Vice-Mayor Nunn abstained.

7. Old Business:

There was no discussion.

8. New Business:

There was no discussion.

9. Comments:

A. Public Comments

There were no comments.

B. Town Attorney – Paul C. Stamm, Jr.

There were no comments.

C. Mayor – Mae P. Umphlett

There were no comments.

D. Council

There were no comments.

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E. Town Manager – Tom Saunders

Town Manager Saunders stated that Councilmember Smith and Deputy Town Manager Cockrell were at the Tourism Conference in Reston, VA. Mr. Saunders reported that a 17 year old pump at the Radio Well had failed and was being replaced.

10. Adjournment

ACTION: Councilmember Gravatt made the motion to adjourn, seconded by Vice-Mayor Nunn; and carried unanimously.

Meeting adjourned: 7:38 pm

Prepared by:

Joan N. Kent, Transcriber

Mae P. Umphlett, Mayor

Cindy Balderson, Town Clerk