

April 21, 2014

**KILMARNOCK TOWN COUNCIL
Monday, April 21, 2014
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
Emerson Gravatt, Vice-Mayor
Shawn Donahue

William L. Smith
Rebecca T. Nunn
Mae P. Umphlett

Staff Present:

Tom Saunders, Town Mgr.
Susan Cockrell, Deputy Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Cindy Balderson, Town Clerk
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.

2. Acceptance and Approval of Agenda

ACTION: Councilmember Nunn made a motion to to accept the April 21, 2014 Town Council meeting agenda as presented, seconded by Councilmember Donahue; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of the March 17, 2014 Town Council Meeting

ACTION: Councilmember Nunn made a motion to accept the March 17, 2014 Town Council meeting minutes as presented, seconded by Vice-Mayor Gravatt; and carried unanimously.

April 21, 2014

4. Public Comments and Presentations:

Mayor Booth 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.

A. Public Comments

There were no public comments.

B. Presentations

Proclamation for National Safe Boating Week

Town Manager Saunders read the Proclamation and then presented it to members of Coast Guard Flotilla 33.

5. Public Hearing:

The purpose of the hearing was to solicit public input regarding a draft of the updated Comprehensive Plan as submitted by the Planning Commission, prior to consideration and action by Town Council.

A. Description

A description of the proposed updated Comprehensive Plan was given by Zoning Administrator/ Planning Director Marshall Sebra.

B. Mayor Booth opened the public hearing.

C. Mayor Booth called for public comments.

There were no public comments.

D. Mayor Booth asked for staff comments.

Town Manager Saunders complimented Mr. Sebra and Planning Commission Member Towner for their excellent work updating the Comprehensive Plan and gave the document his endorsement.

Town Attorney Stamm advised that the document met all of the legal requirements.

E. Mayor Booth closed the public hearing.

F. Mayor Booth asked for Council comments and/or action.

April 21, 2014

Councilmember Nunn complimented Mr. Sebra and Planning Commission Member Towner for their efforts in updating the Comprehensive Plan.

Councilmember Donahue also praised Mr. Sebra and Ms. Towner. Mr. Donahue questioned whether the Steptoe's District should have been named in the Vision Statement. He also asked if the number of 877 acres for developable land within the Town was correct. Mr. Donahue inquired if the data that stated that 41 percent of the residents in Town were over the age of 60 was taken from the last census. Mr. Sebra answered the questions and Planning Commission Member Towner approached the podium to state that the correct number for developable acreage was 880 and would be corrected in the draft.

Councilmember Smith asked if there were any areas in which the Town fell short in regards to attracting new businesses and if the subject was even addressed during the Planning Commission's discussions. Mr. Sebra replied that the topic had been addressed and stated that the Town was providing economic incentives and branding ideas but the Comprehensive Plan was somewhat limited on the subject.

Councilmember Donahue moved that approval of the updated Comprehensive Plan be tabled and brought before the new Council after the election.

Councilmember Nunn felt that the current Council was more familiar with the document.

Town Attorney Stamm advised that the new Council could have items within the updated Comprehensive Plan amended if they deemed necessary and due to the VA Code the Town was subject to time limitations.

Councilmember Donahue withdrew his motion.

ACTION: Councilmember Nunn made a motion to accept the updated draft of the Kilmarnock Comprehensive Plan as presented, seconded by Vice-Mayor Gravatt; and carried unanimously.

6. Planning Commission Report: Council Liaison Umphlett

Councilmember Smith gave the report. The Planning Commission was presented with issues and comments from staff regarding the Town's current regulations on "temporary" and "directional" signage and was moving forward in helping to develop a solution. Mr. Smith advised that there was also discussion regarding modifying regulations for yard sales. He reported that the Planning

April 21, 2014

Commission would be holding a public hearing on the adoption of new codes related to blighted structures.

7. Committee Reports:

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from April, 2014

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 Smith, Chair

1) Report from April, 2014 meeting.

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

Councilmember Nunn gave the report.

Mayor Booth inquired about the small street sweeper purchased by the Town and if it was being utilized.

Town Manager Saunders replied that it was not being utilized as much as he had thought when purchased.

Mayor Booth suggested that the Town consider selling it.

2) Recommendations to Council

Recommend that Council schedule a public hearing for the Planning Commission to review a new ordinance regarding blighted structures. The public hearing would coincide with the Commission's work on temporary and directional signage as well as yard sales.

ACTION: Councilmember Nunn made a motion to schedule a public hearing for the May 12, 2014 Planning Commission meeting regarding the ordinance for blighted structures, seconded by Councilmember

April 21, 2014

Smith; and carried unanimously.

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

1) Report from April, 2014 meeting.

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

2) Recommendations made to Council

There were no recommendations made to Council.

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

1) Report from April, 2014 meeting.

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

2) Committee Recommendations to Council

Recommend that Town Council authorize staff to begin the process of branding by appropriating funds identified in the FY 2014 Budget Festivals/Marketing line item.

ACTION: Councilmember Nunn made a motion to authorize staff to begin the process of branding by appropriating funds identified in the FY2014 Budget as the Festivals/Marketing line item in the amount of \$35,000.00, seconded by Councilmember Umphlett; and carried unanimously.

E. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from April, 2014 meeting.

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

2) Committee Recommendations to Council

April 21, 2014

Recommend that Council approve the disbursements from March 18, 2014 to April 21, 2014 totaling \$100,320.70

ACTION: Councilmember Nunn made a motion to approve the disbursements from March 18, 2014 to April 21, 2014 in the amount of \$100,320.70, seconded by Councilmember Donahue; and carried unanimously.

8. Old Business

Appointment to fill Council Vacancy

ACTION: Councilmember Nunn made a motion to appoint Captain Sutherland to fill vacancy on Council, seconded by Vice-Mayor Gravatt;

DISCUSSION:

Councilmember Donahue felt that Captain Sutherland would give Council the same guidance that Howard Straughan had provided and was also in favor of his appointment.

Mayor Booth called for the vote which was unanimous.

9. New Business

Recommendations to Circuit Court for Board of Zoning Appeals
Appointment

ACTION: Councilmember Nunn made a motion to recommend to the Circuit Court of Lancaster County that Les Kilduff and Donnie Walker be reappointed to the Kilmarnock Board of Zoning Appeals, seconded by Councilmember Donahue; and carried unanimously.

10. Comments

A. Public Comments

There were no comments.

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

April 21, 2014

There were no comments.

C. Mayor- Raymond C. Booth, Jr.

There were no comments.

D. Council

Councilmember Nunn stated that she was advised by VML that when an untruth was published on a public website it was to be addressed by the Admin/Finance Committee.

Councilmember Donahue felt that the Planning Commission did an excellent job on the updated Comprehensive Plan but stated that he viewed things differently. In 1930 Kilmarnock had 761.5 acres and it was up to 2,193 acres due to boundary line adjustments. Mr. Donahue stated that water/sewer was only operating at 40 percent of its current capacity and was grossly underutilized. Mr. Donahue suggested that Council form a committee to study future boundary line adjustments and to stop spot zoning like what was done for Hills Quarters and ignoring individuals in need. Mr. Donahue also felt that the Main Street Committee needed to be reformed and the Main Street Project extended.

Mayor Booth agreed with Councilmember Donahue regarding boundary line adjustments and extending water/sewer usage to those in need.

Councilmember Smith commented that several large projects were approved in the Town but didn't transpire due to the economy.

Councilmember Nunn replied that large developments paid for the infrastructure and then turned it over to the Town whereas an individual wanting water/sewer paid a \$10,090.00 hook- up fee and the Town had to pay millions of dollars to get the service to them.

E. Town Manager – Tom Saunders

Town Manager Saunders reported that VDOT had promised street sweeping during the first week in May but he had a contractor on standby if not. The Code Red System was live and ready for emergencies but not on the Town's website as of yet due to a PR program they would be implementing. Mr. Saunders stated that he would be meeting with DEQ in Richmond regarding problems over last few months at the WWTP. Mr. Saunders advised that he would be meeting with VA Economic Development Real Estate Agents regarding Tech Park on the 30th. He finalized by saying he would be taking off the rest of the week following the DEQ meeting.

April 21, 2014

11. Closed Session

A. Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) for discussion or consideration of personnel matters involving performance evaluation and job assignments of specific employees.

ACTION: Councilmember Nunn made a motion to enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (1) for discussion or consideration of personnel matters involving performance evaluation and job assignments of specific employees, seconded by Councilmember Smith, and carried unanimously.

Council entered into Closed Session at 8:04 pm.
Regular meeting reconvened at 8:45 pm.

B. Certify Closed Session held IAW FOIA 2.2-3711(A) Para (1) for discussion or consideration of personnel matters involving performance evaluations and job assignments of specific employees.

Town Manager Saunders made a statement certifying that in the Closed Session which just concluded that nothing was discussed except the matter or matters (1) specifically identified in the reason to convene in Closed Session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that reason. The statement was supported by a roll call vote.

Booth, Raymond C. Jr., -yes
Gravatt, Emerson -yes
Donahue, Shawn – yes
Nunn, Rebecca T. – yes
Smith, William L. - yes
Umphlett, Mae P. – yes

12. Adjournment

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

Meeting adjourned at 8:47 pm

April 21, 2014

Prepared by:

Joan N. Kent

Raymond C Booth, Jr., Mayor

Cindy Balderson, Clerk