

February 25, 2013

**KILMARNOCK TOWN COUNCIL  
Monday, February 25, 2013  
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  
Rebecca T. Nunn

William L. Smith  
Howard Straughan  
Mae P. Umphlett

**Staff Present:**

Tom Saunders, Town Mgr.  
Paul C. Stamm, Jr., Town Attorney  
Cindy Balderson, Town Clerk  
Joan Kent, Transcriber  
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 Straughan made a motion to to accept the February 25, 2013 Town Council meeting agenda as presented, seconded by Councilmember Donahue;**

**DISCUSSION:**

Vice-Mayor Gravatt requested that the Closed Session which was to be held during the Town Centre Committee Report portion of the agenda be moved to New business.

Councilmember Straughan amended his previous motion to include having the Closed Session during the Town Centre Committee Report moved to follow Old Business.

**Mayor Booth called for the vote which was unanimous.**

**3. Approve, Correct, or Amend the Minutes of January 28, 2013 Town Council meeting**

**ACTION: Councilmember Straughan made a motion to accept the January 28, 2013 Town Council meeting minutes as presented, seconded by Councilmember Nunn; and carried unanimously.**

**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.

Mr. Bob Wille, resident of Kilmarnock and former Councilmember, stated that he wrote a letter to the Editor of the Rappahannock Record regarding the proposed purchase of office space by the Town in the downtown area and wanted to share some of the feedback that he received. Mr. Wille said that he and his wife left home for a few days and when they returned there were seven messages on the answering machine and he received one additional call. Mr. Wille returned each call and said that all but one person felt that the Town Hall should remain at the present location. Two people felt that the present location should be added on to or remodeled and the rest felt that a new building should be built at the current location to replace the old one. Three people said that they voted wrong because they voted for a conservative Council and that was not what they had. One went so far as to say that the troublemaker was still there, while another felt that the citizens of the Town should be contacted, and finally one wanted to know why the Town should buy someone else's white elephant when they could have a nice new building at the present location. Mr. Wille asked if anyone seated on Council was going to profit from the purchase.

**5. Planning Commission Report: Shawn Donahue, Council Liaison**

Councilmember Donahue reported that the Planning Commission discussed the sign ordinance, the Capital Improvement Budget, and continued with updating the first chapter of the Comprehensive Plan. Planning Commission Member Bonner felt that the meetings should be videotaped and put on the Town's website.

**6. Committee Reports:**

A. Water/Sewer Committee: Councilmember Nunn, Chair

1) Report from February, 2013

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

Councilmember Nunn advised that work had begun on the Waverly Avenue sewer line repairs but certain discoveries made could change the project and cause a delay. Bill Rosenbaum reported that surveyors had gathered the necessary elevation data for the replacement sewer main on Dogwood and Chase Street and he hoped to be able to submit plans to VDOT within the next month. The Wiggins Avenue Pump Station generator was ordered but it could take up to 90 days to receive the unit and have it installed. There was a discussion regarding the need for grease traps at restaurants in Town and for a strengthened fat, oil, and grease regulation ordinance. Grease traps were not required by the VA Department of Health so localities had to have their own programs. Mr. Saunders suggested that staff draw up a proposed ordinance for the Committee's review at a later date. Pat Chenoweth, Chief WWTP Operator and Wayne Kent with Utilities submitted updated evaluations of their capital assets for inclusion in the upcoming budget. The sand filters at the WWTP were the most critical and expensive component on the list. There were no problems reported at the WWTP or in the Utilities Department at the present time. There was an inquiry made regarding the availability of sewer service for a property on Augusta Street and Mr. Saunders suggested that the Town look for opportunities to promote improved service by cooperating with others resolving sewer problems in that area.

## 2) Committee Recommendations to Council

There were no recommendations made to Council.

### B. Streets/ Sidewalks/ Playground Committee: Councilmember Donahue, Chair

#### 1) Report from February, 2013 meeting.

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

Councilmember Donahue reported that the Committee discussed the condition of the Town's holiday decorations and recommended that replacements be purchased while off season discounts were available. Minor surface repairs would be made to the Chilton Street Alley located between Claybrooke and Roseneath Avenue and the Town would be entering into a maintenance agreement with adjacent property owners. A developer recently contacted the Town to see if there was interest in leasing parking spaces near Main Street. VDOT hired someone to remove the beavers from Norris Pond which should not have any impact on access to Baylor Park.

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2) Recommendations to Council

There were no recommendations made to Council.

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

1) Report from February, 2013 meeting.

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

Councilmember Donahue stated that Chief Bedell gave a report on the recent bank robbery that took place in Kilmarnock and the subsequent arrest.

2) Recommendations made to Council

There were no recommendations made to Council.

D. Emergency Preparedness Committee: Councilmember Umphlett, Chair

1) Report from February, 2013 meeting.

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

Councilmember Umphlett advised that the Committee discussed the budget needs and added that Staff would provide them with an inventory of equipment for their use.

2) Recommendations to Council

There were no recommendations made to Council.

E. Town Centre Committee: Councilmember Straughan, Chair

1) Report from February, 2013 Meeting

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

Councilmember Straughan reported that the Committee reviewed the four Requests for Qualifications for the new Town Hall and recommended to employ Kipp and Associates/Bay Design who submitted a joint application.

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2) Committee Recommendations to Council.

Enter into Closed Session as allowed by FOIA 2.2-3711 (A) which was deferred until New Business.

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

1) Report from February, 2013 meeting.

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

Vice-Mayor Gravatt advised that the Committee continued discussions regarding ED direction with business members. The desire to support Lancaster County Schools and any development of new facilities was also discussed noting that the Town had many favorable attributes for potential locations.

2) Committee Recommendations to Council

Recommend Town Council offer a Resolution of Support to the Lancaster County Board of Supervisors and School Board for potential new facilities.

Vice-Mayor Gravatt read the Resolution.

**ACTION: Councilmember Nunn made a motion to offer a Resolution of Support to the Lancaster County Board of Supervisors and School Board for potential new facilities, seconded by Councilmember Straughan; and carried unanimously.**

G. Administration/Finance Committee: Councilmember Smith, Chair

1) Report from February, 2013 meeting.

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

Councilmember Smith advised that the Committee discussed the use of Town letterhead stationery in light of several recent requests for it. Staff was directed not to hand out any until a policy could be agreed upon. Steps were outlined to insure that the performance evaluations of the Town Manager and Town Attorney would be conducted before the end of the fiscal year. The Town's

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accountants comments regarding the way the recent bond pay down was booked was discussed. The Committee decided to recommend to Council that the funds used would be charged against the Town's Water and Sewer fund balances rather than the General Fund balance so that the nature of the original debt would be more accurately reflected. A recent anonymous letter sent to Council was ignored since there was no name, address, or phone number. Town Manager Saunders reported that he had received information from almost all operating departments for use in the FY14 budget development process and he anticipated no difficulty in meeting his goal of having the preliminary proposed budgets for Council's consideration by April. Councilmember Smith reported that in response to recent critical comments regarding the 2011 reorganization of the Utilities Department he had looked at the pertinent expense categories and was satisfied that the results had been positive so far. The Committee supported a "before and after" comparison which was addressed by Town Manager Saunders.

Town Manager Saunders gave a brief summary of the cost categories in the expense budget that was affected by the reorganization of the Utilities department. There had been no increase in cost during the two year period of the reorganization but an approximate savings of \$40,000 and the quality of repairs had increased also.

In light of the impromptu presentation the Mayor stated for the record that his evaluations did not coincide with the Town Manager's and asked for additional information so the numbers could be validated.

Councilmember Smith agreed to help the Town Manger produce the numbers that the Mayor asked for.

Mayor Booth requested a general break down of the number of employees in the Water/Sewer, Grounds, and Utilities questioning if they were still rotating within departments to meet the specific needs of the Town.

Town Manager Saunders provided the information.

Mayor Booth's was concerned about how and from what account overtime money was appropriated from.

Clerk Cindy Balderson informed Mayor Booth that the employees wrote on their time cards the reason for their overtime and she applied the appropriate code in the computer when doing payroll so that the money would be dispensed from the appropriate account.

Vice-Mayor Gravatt argued that the line of questioning by the Mayor was not appropriate for a Council meeting and should be done with the Town Manager and Clerk during regular office hours.

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Mayor Booth struck the gavel, advised the Vice-Mayor he was out of order and commented to the Vice-Mayor that he, not him, was in possession of the gavel.

Councilmember Nunn rose to a Point of Order stating that the line of questioning and the Mayor's behavior was not appropriate and not in accordance with Robert's Rules of Order.

Mayor Booth stated that he wanted to finish his conversation with the Town Manager and Clerk.

The Vice-Mayor reiterated that it was not appropriate to hold the discussion during the Council meeting.

Mayor Booth replied that the presentation was approved by the Admin/Finance Committee which prompted his line of questioning regarding the formula from which labor was allocated and if he could get an answer he would be glad to move on.

Town Manager advised that the allocations were based on a formula.

Councilmember Smith continued with the Admin/Finance Committee Report by stating that Councilmember Nunn asked them to consider increasing the "peddler's fees" charged to merchants that buy and sell gold from various locations several times a year. After some discussion the Committee asked Staff to research the ordinance, determine how many licenses were issued in a typical year, and check with other towns to see how they handle this issue.

## 2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from January 29, 2013 to February 25, 2013 totaling \$139,417.10

**ACTION: Councilmember Smith made a motion to approve the disbursements from January 29, 2013 to February 25, 2013 in the amount of \$139,417.10, seconded by Councilmember Donahue; and carried unanimously.**

b. Recommend that Council move to deduct the recent \$2 million bond principal payment from the Water/Sewer Fund balance rather than the General Fund balance as called for in the original motion, to reflect the fact that the original debt was for investments in the Town's water/sewer infrastructure, per advice received from the Town's accountants.

**ACTION:** Councilmember Smith made the motion to deduct the recent \$2 million bond principal payment from the Water/Sewer Fund balance rather than the General Fund Balance as called for in the original motion to reflect the fact that the original debt was for investments in the Town's water and sewer infrastructure, per advice received from the Town's accountants, seconded by Councilmember Straughan;

**DISCUSSION:**

Councilmember Nunn intended to vote in favor of the motion but wanted it reflected on the record that the loan was procured prior to her being on Council and Chairman of the Water/Sewer Committee.

**Mayor Booth called for the vote which was unanimous.**

**7. Old Business**

There was no discussion under Old Business

**8. New Business**

A. Public Comments Section Added

After a discussion with Mr. Bob Wille, Councilmember Nunn felt that Public Comments should be heard later in the agenda before the Mayoral Comments and made a motion to that effect.

**ACTION:** Councilmember Nunn made a motion to place the Public Comments Section of the agenda before Mayoral Comments; seconded by Councilmember Straughan.

**DISCUSSION:**

Councilmember Donahue agreed but questioned what Council would do if a citizen had a comment that could have affected a decision made earlier in the meeting.

Councilmember Smith suggested that they have two Public Comment Sections, one at the beginning of the meeting and one at the end so that if someone wanted to make a brief statement they would not have to sit through the whole meeting to do so.

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Councilmember Nunn amended her previous motion to include two Public Comment Sections per agenda the first would remain as it was and the second would follow New Business.

**Mayor Booth called for the vote which was unanimous.**

B. Closed Session

1) Enter into Closed Session as allowed by FOIA 2.2-3711(A) Para (3) for discussion or consideration of the acquisition of real property for a public purpose.

Mayor Booth called for a 10 minute recess at 7:45 pm.  
Council entered into Closed Session at 7:55 pm.  
Regular meeting reconvened at 8:25 pm.

2) Certify Closed Session held IAW FOIA 2.2-3711(A) Para (3) for discussion or consideration of the acquisition of real property for a public purpose.

**Town Manager Saunders made a statement certifying that in the Closed Session that just concluded that nothing was discussed except the mater 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  
Straughan, Howard – yes  
Umphlett, Mae P. – yes

**ACTION: Councilmember Straughan made a motion to purchase the Bay Trust Property for \$729,500 subject to due diligence and immediately make preparations to have current property appraised and ready for sale from which the proceeds would go towards defraying the cost of the new property, seconded by Councilmember Nunn;**

**DISCUSSION:**

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Councilmember Smith wanted it to be known that the proposed property that the Town was purchasing did not have a certified appraisal.

Councilmember Donahue wanted it to be known that he felt the location was ideal but the purchase price was excessive.

**Mayor Booth called for the vote which was 4 to 2 in favor of. The motion passed.**

## **9. Comments**

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

Town Attorney Stamm gave a brief summary of Robert's Rules of Order.

B. Mayor- Raymond C. Booth, Jr.

Mayor Booth stated that subsequent to what happened with the exchange of the gavel at the last meeting, he had conducted quite a bit of research and spoken with six certified Parliamentarians and Law Attorneys. The Mayor advised that it was his understanding that he was perfectly free to speak on anything other than a question or action item without passing the gavel. Mayor Booth did have concern regarding passing the gavel last month and it not being returned after the vote. The Mayor felt that it was an educational experience for all and had no misgivings.

Mayor Booth and the Vice-Mayor Gravatt agreed that there would be no further conflicts between them regarding the gavel.

C. Council

Councilmember Smith reported that the dates on the income and expense summary reports in the packet were not accurate and he would report back when he figured out what happened.

D. Town Manager – Tom Saunders

Town Manager Saunders followed up on the comment made by Councilmember Smith. Mr. Saunders stated that Chief Bedell and Officer Cox did excellent work capturing the bank robber which generated applause. Mr. Saunders advised that the water/sewer repairs on Waverly Avenue had been completed. Mr. Saunders stated that the software conversion was well underway with a lot of training going on in the month of March. Town Manager Saunders thanked Assistant Town Manager Susan Cockrell for her efforts in this matter. The Town of Kilmarnock's Charter revision which was a bill before the General Assembly has been passed by the House and the Senate and was waiting for the Governor's

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signature. Mr. Saunders thanked Council for allowing him to attend the VA Local Government Manager's Association Conference.

**10. Adjournment**

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

Meeting adjourned at 8:47 pm

Prepared by:

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Joan N. Kent

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Raymond C Booth, Jr., Mayor

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Cindy Balderson, Clerk