

**KILMARNOCK TOWN COUNCIL**  
**Monday, October 20, 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:

Mayor Mae P. Umphlett  
Vice-Mayor Rebecca T. Nunn  
Maj. Chris Allen  
Mr. Keith Butler

Mr. Emerson Gravatt  
Dr. Curtis H. Smith  
Capt. Michael Sutherland

Staff present:

Tom Saunders, Town Mgr.  
Susan Cockrell, Deputy Town Mgr.  
Marshall Sebra, Zoning Adm/Planning Director  
Paul C. Stamm, Jr., Town Attorney  
Cindy Balderson, Town Clerk  
Joan Kent, Transcriber  
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 a motion to accept the October 20, 2014 Town Council meeting agenda as presented, seconded by Councilmember Sutherland; and carried unanimously.**

**3. Approve, Correct, or Amend the Minutes of the September 15, 2014 Town Council Meeting**

**ACTION: Councilmember Smith made a motion to approve the September 15, 2014 Town Council meeting minutes as presented, seconded by Vice-Mayor Nunn; and carried unanimously.**

#### **4. Public Presentations and 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.

##### **A. Presentations:**

Mr. Ben Estes of 320 Overlook Court, Lancaster VA, former President of the Lancaster Players presented Council with an opportunity to have a cultural center on the site where the old Town Hall exists. The preliminary plans that he presented showed a performing arts center which would be managed by the Lancaster Players and a senior center with a kitchen which be managed by Bay Aging. The plans also showed parking, green space, and an outdoor plaza capable of holding a 40 x 80 tent. Mr. Estes stated that the multi-use venue would benefit the Town by bringing in more than 3000 visitors each year. For the Town to enter into this partnership, Mr. Estes was requesting two things. The first was that the old Town Hall property be removed from the real estate market and the second was that the Town would enter into a lease agreement with a non-profit corporation that he would create. In turn the non-profit corporation would lease the cultural center to Bay Aging and the Lancaster Players, a process similar to the one used by Rappahannock General Hospital with the Health Clinic and the YMCA. Mr. Estes said that eventually they anticipated having space for Lancaster by the Bay Chamber of Commerce, a welcome center, and a central box office. Mr. Estes requested that the property be removed from the market for a period of 10 years so that they could raise the two to two and a half million dollars for the project.

Mr. Joe Curry, a Bay Aging Board member, stated that he thought it was a wonderful concept but at this point had only received scant information and more time was needed before any type of decision was made.

Mr. Darryl Ketner, a volunteer with the Meals on Wheels Program questioned how the senior citizens would make it from the group's current location which was Tartan Village to the cultural center at the other end of Town. He commented on the good setup his program had now noting that they always seemed to be getting moved around.

It was a general consensus by the Council to table the matter until the November meeting so they had ample time for review and discussion.

##### **B. Public Comments:**

Mrs. Anita Robertson of 34 Lloyd Lane, Kilmarnock VA addressed Council

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regarding the deletion of the four parking spaces on Waverly Avenue that create the inability for large trucks to complete the turn causing traffic to be backed up on Main Street.

Council referred Mrs. Robertson to Virginia Department of Transportation.

## 5. Public Hearing

**The purpose of the hearing was to solicit public input on an application for zoning approval by Mr. Phillip Lee to operate a family entertainment center trading as Mr. Giggles Fun House at 544 North Main Street. The property is identified as Tax Map 23-68C owned by Kilmarnock Motor Sales, Inc.**

### A. Zoning Application Description

Zoning Administrator/Planning Director Sebra gave a brief overview on the zoning application submitted by Mr. Lee for Mr. Giggles Fun House and covered use regulations for that parcel as they applied.

B. Mayor Umphlett opened the public hearing.

C. Mayor Umphlett asked for public comment.

Mr. David Cheek, owner of 544 North Main Street, spoke in support of Mr. Lee and endorsed the family entertainment center.

### D. Staff Comments

Vice-Mayor Nunn and Councilmember Allen had concerns regarding the inspections of the inflatables or bounce houses that Mr. Lee would be renting out. Both Councilmembers were under the impression that the county building inspector had to check each one after it was set up and prior to its use. Mr. Lee was under the impression that signed waivers releasing his company from litigation and his inspection was sufficient but would seek clarity on the issue.

Vice-Mayor Nunn inquired about the age group that would be allowed to have parties there and the closing time of the business to which Mr. Lee responded that children up to the age of thirteen would be allowed to have parties and he anticipated on closing between 9 and 9:30 pm.

Councilmember Sutherland asked if the business would have food service too which Mr. Lee replied that he would have a concession stand with popcorn and cotton candy but all birthday cakes and pizza would be brought in from other local businesses.

Town Manager Saunders and Councilmember Allen asked if the water would be recirculated on the waterslide which prompted the answer that it would not.

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Mr. Lee advised that the water would be collected in a pool at the bottom of the slide and would be removed on a daily basis. Any spillage would go down the storm drain, which several Councilmembers perceived to be a problem.

Councilmember Butler suggested that some thought be given to the ground outside the business which was currently graveled to avoid skinned knees and injury.

E. Mayor Umphlett asked for additional staff comments.

There were none.

F. Mayor Umphlett closed the public hearing.

G. Mayor Umphlett asked for Council's discussion and/or action.

Although it was the general consensus of Council that a family entertainment center would be a wonderful addition to the Town, it was felt that more clarity was needed regarding the inspection of the inflatables and water spillage from the waterslide.

**ACTION: Vice-Mayor Nunn made the motion to table the zoning request for Mr. Giggles Funhouse until the November Town Council meeting, seconded by Councilmember Allen; and carried unanimously.**

## **6. Planning Commission Report: Council-Liaison Allen**

There was no meeting held.

## **7. Committee Reports:**

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

1. Report from October, 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

1. Report from October, 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 October, 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.

D. Water and Sewer: Councilmember Sutherland Chair

1. Report from October, 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 October, 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 September 16, 2014 through October 17, 2014.

**ACTION: Vice-Mayor Nunn made the motion to approve**

**disbursements from September 16, 2014 through October 17, 2014 totaling the amount of \$143,153.97 seconded by Councilmember Sutherland; and carried unanimously.**

b. Recommend that Council accept the FY 2014 budget transfers between expense line items as presented.

**ACTION: Vice-Mayor Nunn made the motion to accept the 2014 budget transfers between expense line items as presented, seconded by Councilmember Sutherland; and carried unanimously.**

c. Recommend that Council accept the FY 2014 budget supplements totaling \$200,000 (Funds appropriated in FY 2013 but final spending occurred in early FY 2014)

**ACTION: Vice-Mayor Nunn made the motion to accept the FY 2014 budget supplements as presented, seconded by Councilmember Sutherland; and carried unanimously.**

## **8. Old Business**

### Council Confirmation Regarding Blight Property

Town Manager Saunders asked for Council's intention to move forward with blight remediation at 302 Irvington Road, Kilmarnock VA.

It was general consensus of Council to move forward.

## **9. New Business:**

Vice-Mayor Nunn advised that the Irvington Town Council was interested in inviting Attorney Maria Everett to lecture all three towns and the town attorneys on the changes regarding FOIA laws. Mrs. Nunn said that they had asked to hold the lecture at the Kilmarnock Town Hall sometime in February.

Vice-Mayor Nunn also advised that the United Daughters of the Confederacy had invited Council to attend a function in in Lancaster this Saturday at 1:30 pm regarding changes to the monument.

Vice- Mayor Nunn stated that it was Mayor Umphlett's request that Town Council ride behind her in the Christmas Parade this year as a sign of unity. Mrs. Nunn said that Mrs. Joan Gravatt had offered her convertible to transport Council through the parade.

## 10. Comments:

### A. Public Comments

There were no comments.

### B. Town Attorney – Paul C. Stamm, Jr.

There were no comments.

### C. Mayor – Mae P. Umphlett

Mayor Umphlett noted that she and Vice-Mayor Nunn would be giving out candy in front of the Town Hall on Halloween and invited other Councilmembers to join them. She advised that there would be a meeting at RGH on Wednesday at 5 pm regarding the merge with Bon Secours. Mayor Umphlett stated that Council had been invited to Lancaster by the Bay Chamber of Commerce's oyster roast being held at the Bank of Lancaster on Thursday from 5-7 pm.

### D. Council

Councilmember Allen wanted to ensure that Estes project would be discussed during the November Committee meeting.

### E. Town Manager – Tom Saunders

Town Manager Saunders reported that on Saturday evening at around 7:30 pm, Kilmarnock Police Officer Dan Brooks was out of his vehicle performing his duties when struck by a car. Mr. Saunders stated that he sustained injuries serious in nature and was transported to MCV. The accident was investigated by Virginia State Police and no charges pending on the driver of the car that struck him.

Chief Bedell added that Officer Brooks had undergone reconstructive surgery on one of his arms earlier in the day and that the operation had gone well.

## 11. Adjournment

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

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Meeting adjourned: 8:06 pm

Prepared by:

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Joan N. Kent, Transcriber

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Mae P. Umphlett, Mayor

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Cindy Balderson, Town Clerk

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