

September 21, 2015

**KILMARNOCK TOWN COUNCIL
Monday, September 21, 2015
Town Hall
Kilmarnock, VA**

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

Absent:

Mr. Keith Butler

Staff Present:

Tom Saunders, Town Mgr.
Susan Cockrell, Deputy Town Mgr.
Paul C. Stamm, Jr., Town Attorney
Cindy Balderson, Town Clerk
Joan Kent, Minutes 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 the Agenda

ACTION: Vice-Mayor Nunn made a motion to accept the September 21, 2015 Town Council meeting agenda as presented, seconded by Councilmember Smith; and carried unanimously.

3. Approve, Correct, or Amend the Minutes of the August 17, 2015 Town Council Meeting

ACTION: Councilmember Gravatt made a motion to approve the August 17, 2015 Town Council meeting minutes as presented, seconded by Councilmember Sutherland and carried unanimously.

4. Public Comments

A. 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. Jason Bellows with the Lancaster County Board of Supervisors returned to give Council an update regarding the ongoing dispute with VMRC and Virginia Dominion Power over their intent to install an overhead transmission line across the Robert O. Norris Bridge using above ground towers. According to Mr. Bellows the county was appealing the permit and was seeking support from the Kilmarnock Town Council to build its coalition. It is the county's desire to have underground cables which are less susceptible to damage and reserve the natural beauty of the bridge.

Mr. Carl Smith of 177 Dawson Lane, White Stone VA reiterated what Mr. Bellows had said regarding the issue with VMRC and Dominion. Mr. Smith urged Council to join them in the fight for having a second hearing based on the theory that VMRC was not given accurate information by Dominion. Mr. Smith stated that if everyone stuck together they could win a "re-hearing".

Vice-Mayor Nunn voiced concern about the height of the proposed towers, noting that they would not have lights which would be dangerous for all aviation traffic, including Hummel Fields.

Mr. John Raymond, owner of the Bed and Breakfast, of 455 Irvington Road, Kilmarnock VA introduced himself to Council and stated his interest in serving on the Kilmarnock Planning Commission.

Mrs. Betsy Crowder of 14 Lawler Lane, Kilmarnock VA introduced herself to Council and stated her interest in serving on the Kilmarnock Planning Commission.

ACTION: Councilmember Nunn made a motion to table Planning Commission appointments until the October Council meeting, seconded by Councilmember Sutherland; and carried unanimously.

5. Planning Commission Report: Councilmember Allen, Council Liaison

The Planning Commission continued discussion regarding Council's request to review the Steptoe's Overlay Ordinance in regards to prohibiting or restricting non-permanent structures such as mobile food vendors. Staff presented possible text amendments regarding this issue. The Commission intends to investigate the possibility of a "floating ordinance". The Planning Commission held a public hearing in regards to an application to rezone 139 S. Main Street from R-2 to C-1. It was the Commission's recommendation to Council that the request to rezone be granted. In other business, Ann Towner was appointed as Chair, Chris Allen as Vice-Chair, and Albert Nunn as Secretary. The Commission recommended the appointment of Les Spivey to fill the seat of Joan Gravatt and Bernice McElroy to fill the seat of Lindsay Gardner. The Planning Commission will not meet in October.

6. Committee Reports:

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

- 1) Report from September, 2015 meeting.

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

- 2) Committee Recommendations to Council

There were no recommendations made to Council

B. Economic Development Committee: Councilmember Gravatt, Chair

- 1) Report from September, 2015 meeting.

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

- 2) Recommendations made to Council.

There were no recommendations made to Council.

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

- 1) Report from September, 2015 meeting

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

- 2) Recommendations made to Council

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There were no recommendations made to Council.

D. Water and Sewer: Councilmember Sutherland, Chair

1) Report from September, 2015 meeting.

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

2) Committee Recommendations to Council

There were no recommendations made to Council.

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

1) Report from September, 2015 meeting.

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

2) Committee Recommendations to Council

a. Recommend that Council approve the disbursements from August 18, 2015 to September 21, 2015 in the amount of \$109,680.53.

ACTION: Vice-Mayor Nunn made a motion to approve the disbursements from August 18, 2015 to September 21, 2015 in the amount of \$109,680.53, seconded by Councilmember Allen; and carried unanimously.

7. Old Business

Enter into closed session as permitted by VA Code 2.2-3711(A)(3), to discuss a matter involving disposition of publicly held real property because discussion in an open meeting would adversely affect the town's bargaining position.

ACTION: Vice-Mayor Nunn made a motion to enter into closed session as permitted by VA Code 2.2-371(A)(3), to discuss real property, seconded by Councilmember Smith; and carried unanimously.

Regular meeting in recess at 7:31 pm
Entered into closed session at 7:33 pm
Regular meeting back in session at 7:37

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Vice-Mayor Nunn made the statement of certification that nothing was discussed except the matter or matters specifically identified in the motion to convene into closed session and lawfully permitted to be discussed under the provision of the Virginia Freedom of Information Act.

Roll Call for Verification:

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

Emerson Gravatt – yes
Dr. Curtis H. Smith – yes
Capt. Michael Sutherland - yes

8. New Business

Proclamation in Support of Constitution Week

Vice-Mayor Nunn read the Proclamation which was affirmed by Mayor Umphlett.

9. Comments

A. Public Comments

There were no public comments.

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

There were no comments.

C. Mayor- Mae P. Umphlett

There were no comments.

D. Council

Councilmember Gravatt commented that Mr. Jason Bellows had come back to Council with additional information that had been requested regarding the Robert O. Norris Bridge dilemma and that he felt the Council should adopt the Resolution of Support.

ACTION: Councilmember Gravatt made the motion to adopt the Resolution presented by Jason Bellows with the Lancaster Board of Supervisors, seconded by Councilmember Nunn;

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DISCUSSION:

Councilmember Sutherland stated that he thought Mr. Bellows' position on this matter was reprehensible because he was asking a large amount of citizens to pay for something that only benefited a few.

Mayor Umphlett called for the vote, which was 4 in favor of and 1 opposed. The motion passed.

E. Town Manager – Tom Saunders

Town Manager Saunders commented briefly on cleanup day for the Town of Kilmarnock.

10. Adjournment

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

Meeting adjourned at 7:43 pm

Prepared by:

Joan N. Kent

Mae P. Umphlett, Mayor

Cindy Balderson, Clerk