

**Town of Louisa  
Monthly Meeting  
August 18, 2009**

**Present:** James S. Artz, Mayor; Vice-Mayor Mary Jane Clarke; Matthew L. Kersey; A. Daniel Carter; Warren D. Gehle; H. I. Dulaney, Council Members; Brian W. Marks, Town Manager; Donna L. Pinter, Treasurer; Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager; Stan Batten, Chief of Police

**Also Attending:** David DesRoches, the Central Virginian; Martha McIntire, LDDC member; Graven Craig, Attorney; Garland Nuckols, town resident, 110 Patrick Henry Drive; Jay Sudduth, Main Street Computers; Sergeant McGehee and Officer Smutz of the Town of Louisa Police Department; Chief Spare, Gordonsville Police Department

**Absent:** None.

***All copies including: reports, handouts, and documents can be found following the minutes.***

Mayor Artz called the meeting to order at 7:01 p.m.

Council member Kersey gave the invocation.

**BUSINESS FROM THE FLOOR**

None.

Mayor Artz announced to all in attendance that the Town Attorney, Mr. Ronald M. Maupin, had passed away over the weekend and that he would like to have a moment of silence to honor him.

Mayor Artz then announced that an item was added to the agenda after the original printing in the CV. Mayor Artz presented Ms. Martha McIntire with a check for the Louisa Arts Center from the Virginia Commission for the Arts.

### **CONSENT AGENDA**

Council member Clarke made a motion to approve the consent agenda. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

### **PUBLIC HEARING**

**Receive public comments on the reactivation of the Town of Louisa Police Department Canine Program, and possible funding sources for the program.**

Mr. Marks updated Council and informed them that a report was included in the packet from the Canine Funding Subcommittee.

Mayor Artz opened the public hearing at 7:11 p.m. asking if there was anyone present that would like to speak for or against the program.

Mr. Garland Nuckols, town resident, addressed Council stating that he was not against the program, but was against sending our town police officers and canine officers out of the county into surrounding counties for assistance. Mr. Nuckols felt the distance they were traveling was too great, which can lead to problems regarding overtime and expenses.

Jay Sudduth, town business owner and county resident, stated that he is for the canine program, but agrees that the officer and canine need to remain local.

Mayor Artz closed the public hearing at 7:13 p.m.

Council member Clarke took a moment to state that she has concerns with the program and she was not in favor of it at this time. Mrs. Clarke added that she felt the actions taken by Mrs. Irving were premature given that the issue had not been brought before Council for their approval before moving forward with the program. Mrs. Clarke stated that, for an entire year, it was known publicly that canine officer Eros was going to be retired in June 2009. Mrs. Clarke added that during that time, no one came forward during the months spent working on the new 2009/2010 Budget to address the canine program issue. Mrs. Clarke stated that she is not opposed to the program, but felt that the matter should be addressed early next year during the 2010/2011 Budget meetings and work sessions.

Council member Carter agreed with Council member Clarke stating that he felt the matter should be brought back up for discussion during the next budget session.

Council member Kersey echoed both Council members Clarke and Carter's statements. Mr. Kersey went further to point out that Chief Batten even suggested in his monthly report that we wait until the next budget session to address the program.

Council member Gehle stated that because we do not currently have the money to fully fund the program at this time, he felt the funding for the program should come from next year's budget.

Council member Dulaney weighed the pros and cons of the program stating that he was torn.

Chief Batten spoke briefly reiterating that the issue should be addressed during the next budget session.

Mayor Artz also spoke addressing the lack of funds to run the program and the fact that the program was not suspended. It was simply not funded this year.

Council member Clarke made a motion to table the matter until the FY 2010-2011 Budget work session. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

**A request form Loch Lane Apartments, LLC to alter the alignment of the unimproved portion of Carter Street (pre-existing right of way) where the same intersects Loch Lane, and which unimproved portion of Carter Street is located between parcels of property owned by Loch Lane Apartments, LLC.**

Mr. Marks updated Council stating that he and Mr. Maupin had been working on this issue for quite some time until Ron recently passed away.

Mr. Marks informed Council that several years ago a similar request was made by the property owner to do away with the right of way between two buildings because one building encroaches on the ROW. Mr. Marks reported that the Planning Commission and the Town Council did not think that it was the best interest of the town, so the matter went back to Mr. Maupin for his review. Mr. Graven Craig has since taken over the matter for the property owners. Mr. Marks stated that they seem to have to have come to a workable agreement. Mr. Marks then introduced Mr. Craig.

Mr. Craig stated that what they have come up with involves slightly adjusting the ROW that is contained in Carter Street as it runs perpendicular to Lyde Avenue. Mr. Craig gave an in-depth history and explanation of the request which was also included in the packet.

Mayor Artz opened the public hearing at 7:40 p.m. asking if there was anyone present that would like to speak for or against the request. Hearing no response, Mayor Artz closed the public hearing at 7:41 p.m.

Mr. Marks requested that the matter be tabled until the next meeting so that an attorney for the town could review the language in the document.

## **OLD BUSINESS**

### **Accept DMV Grant for the Louisa Police Department**

Council member Kersey made the motion to accept the DMV grant for the Louisa Police Department. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

## **NEW BUSINESS**

### **Proposed Motor Carrier Inspection Program to be conducted by the Louisa Police Department**

Chief Batten introduced Chief Spare of neighboring Gordonsville, VA. Chief Spare spoke to Council at length regarding the program and entailing how the town would benefit from the program and what the Louisa Police Department would have to do to become certified to conduct the inspections.

After some discussion, Council member Kersey made the motion for the Police Committee to meet and discuss the program with the Chief of Police and report back to Council at the next meeting. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Garland Nuckols requested a moment to speak to Council regarding the program. Mr. Nuckols stated that he has concerns that this will cause excessive ticketing again. Mr. Nuckols stated that there was a big problem not too long ago with excessive ticketing of vehicles towing trailers, and that this program will cause yet another ticketing problem. Mr. Nuckols felt that other issues should prevail over stopping and ticketing oversized trucks. He felt the problem could also cause safety issues to vehicular and pedestrian traffic given that there is not a good place in town to pull over large trucks to conduct lengthy inspections.

Council member Kersey made the motion to have the Police Committee members meet and discuss the proposed program and report back to Council at the next meeting. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

### **STANDING COMMITTEE REPORTS**

#### **Police Department:**

(Please refer to the Police Department report.)

Chief Batten added that the Louisa Police Department received two trophies from DMV.

#### **Water & Sewer Department:**

(Please refer to the Water & Sewer Department report.)

Mr. Humphrey stood before Council and read aloud from his report, highlighting areas of interest.

#### **Litter Committee:**

No report.

#### **Streets & Sidewalks:**

No report.

#### **Cemetery:**

Mr. Marks reported that he included a memo in the packet in regards to the columbarium project.

#### **Personnel Committee:**

No report.

## **REPORTS FROM STAFF**

### Counsel

No report.

### Clerk

No report.

### Treasurer

No Report.

### Manager

Mr. Marks reported the following:

Mr. Marks informed Council that the former CPA for Roma's Italian Restaurant miscalculated their meal taxes over a period of time. After looking into the matter and discussing it at length with Mr. Maupin, Mr. Marks stated that Mr. Maupin had recommended that the town reimburse the miscalculated funds.

Council member Carter made the motion to refund the money to the current CPA for Roma's Italian Restaurant. Council member Dulaney seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Marks reported that he received a letter from Rural Development stating the conditions of the loan for the WWTP expansion. He also stated that we have locked into a rate of 2.625 for 40 years.

Mr. Marks reported that the bids for the WWTP expansion have been received and opened. Mr. Marks reported that Dewberry recommended that the town award the bid to JLW Associates Inc. Mr. Marks stated that he does not have a problem awarding the bid to JLW Assoc., but requested that he have authorization to award the bid to the best and most reasonable bidder as determined by

Dewberry, Rural Development, the County of Louisa, and the Town of Louisa, not just based on Dewberry's recommendation alone.

Council member Kersey made the motion to authorize Mr. Marks to award the project to the lowest bidder according to Dewberry, Rural Development, the County of Louisa, and the Town of Louisa. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Marks reported that the Police Committee met some time ago to discuss parades within the town limits. The committee has developed a new permit and requirements for any party interested in conducting a parade within the town. Mr. Marks reported that a letter was sent out to those who have submitted applications for parades in the past.

Mr. Marks reported that he had a copy of the centerfold involving the Town of Louisa, the Town of Mineral, and the County of Louisa that will be featured in the Chamber of Commerce magazine.

Finally, Mr. Marks requested that Council allow the Botkin-Rose law firm to act as interim town attorney until the post can be filled.

Council member Carter made the motion to authorize the Town Manager to hire an interim attorney. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Mr. Marks also suggested that Council donate funds, in lieu flowers as requested, to the specified organizations chosen by his family.

Council member Carter made the motion to donate \$100 to each of the two specified organizations. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

## **COMMUNICATIONS**

None.

**ADJOURNMENT**

Council Member Clarke made the motion to adjourn the August 18, 2009 Louisa Town Council meeting at 8:50 p.m.

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Mayor

\_\_\_\_\_  
Clerk

## **CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, The Louisa Town Council has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

**WHEREAS**, Section 2.2 – 3712 (D) of the Code of Virginia requires a certification by this Town Council and such executive meeting was conducted in conformity with Virginia Law;

**NOW THEREFORE, BE IT RESOLVED** that the Town Council hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion covering the executive meeting were heard, discussed or considered by the Town Council.

## **VOTE**

**AYES:** Carter, Clarke, Dulaney, Kersey

**NAYES:** None.

**ABSENT DURING VOTE:** Gehle.

**ABSENT DURING MEETING:** None.