

**Town of Louisa
Monthly Meeting
December 18, 2007**

Present: James S. Artz, Mayor; Mary Jane Clarke, Vice-Mayor; A. Daniel Carter; Pamela H. Stone, Warren D. Gehle, Matthew L. Kersey, Council Members; Ronald M. Maupin, Attorney; 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: Pat Wilson, The Central Virginian; Graven Craig, Attorney for Boxley Building LLC; Steve Wunsh, Wunsh & Wunsh

Absent: None.

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

Mayor Artz called the meeting to order at 7:04 p.m.

Council Member Kersey gave the invocation.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

Council member Clarke made a motion to approve the consent agenda as corrected. Council member Gehle seconded the motion. The vote went as follows: Kersey, for; Clarke, for; Gehle, for; Stone, for with the exception of the C.V.; Carter, for.

PUBLIC HEARING

A. CY 2007 Revisions to the Comprehensive Plan

The April 2004 Town of Louisa Comprehensive Plan has been reviewed and updated by the Town of Louisa Planning Commission and forwarded for adoption by the Town Council. Significant changes within the plan include incorporating a future land use map, adding sections on parking, historic districts and planned use developments. The document has also been rewritten for clarity and continuity.

Mayor Artz opened the public hearing at 7:08 p.m. asking if there was anyone present that would like to speak for or against the CY 2007 Revisions to the Comprehensive Plan. Hearing no response, Mayor Artz closed the public hearing at 7:09 p.m.

B. SUP 2007-001

Special Use Permit [SUP 2007-001] in which Boxley Commercial Building LLC, represented by Mrs. Breese Glennon, requests a special use permit to allow residential apartment rental units above the commercial first floor spaces. Apartments in the General Commercial district are allowed as a Special Use.

Mayor Artz opened the public hearing at 7:10 p.m. asking if there was anyone present that would like to speak for or against the SUP.

Mr. Graven Craig, representing Boxley Commercial Building LLC, stood before Council and described the project in detail. Mr. Craig also expressed concerns in regards to a couple of the conditions that were attached to the SUP by the Planning Commission at their last meeting. Mr. Craig stated that he and his client felt that they would not be able to comply to some of the conditions as they are written.

Mr. Craig began with the first condition which is in regards to the alley. Mr. Craig stated that the Planning Commission wants the alley way between two of the buildings to remain open. Mr. Craig stated

that his client would like to close the alley, but only to vehicular traffic, and not to tenants, customers, emergency vehicles, or utility vehicles. Mr. Craig stated that he and his client feel that the safety of pedestrians and that of the building should come first. Mr. Craig went further to explain that the alley is only 8 feet wide and there has been substantial damage to the buildings due to motorists hitting the building while attempting to enter the alley, therefore, his client would like to install some type of moveable structure to enforce the limited vehicular traffic. Mr. Craig also informed Council that Boxley Commercial Building LLC and the owner of the adjacent building each share 50% ownership of the alley, therefore, if Council wishes to keep the condition as recommended by the Planning Commission, then the owner of the other half of the alley still has the right to close the alley off themselves and the Town would not have any say in the matter. Mr. Craig stated that while he and his client have not approached the adjacent owner regarding the closure, they would certainly do so to reach an agreement that is acceptable for both parties.

Mr. Craig then stated that the second condition was in regards to the parking behind the building. Mr. Craig stated that after reading the section in the code book on parking in a commercial space, he felt that his client would not be able to comply. Mr. Craig stated that he and his client felt that the 17 standard parking spaces, which is the maximum amount of parking allowed in that space, is more than adequate parking for tenants and customers.

Mr. Craig stated that the third condition was in regards to the façade improvements of the building. Mr. Craig stated that the project was being done in two phases and in phase I, which is to be completed by April 1, 2008, his clients plans to repoint of all the brick façade; have all the windows professionally repaired and repainted; and the front of the buildings be repaired and refurbished as best as possible. The one exception his client is asking for, is not to have to replace the awnings due to the fact that they have not yet reached a decision on that matter. Phase II of the project would include replacing the guttering and fascia of the building. Mr. Craig stated that because the

building is so old, repairs to the electrical work, gutters, and fascia will take some time. Mr. Craig added that they are looking to have phase II completed before the end of summer.

After Mr. Craig fielded a couple of questions, Mayor Artz asked if there was anyone else that would like to speak for or against the SUP. Hearing no response, Mayor Artz closed the public hearing at 7:42 p.m.

C. Inoperable Vehicle Ordinance

The Louisa Town Council is considering the adoption of an inoperable vehicle ordinance. The ordinance, among other things, would limit the number of inoperable vehicles which may be stored on property within the town limits without screening from the public right of way.

Mayor Artz opened the public hearing at 7:43 p.m.

Mr. Marks updated Council stating that the document has essentially remained the same except for one change which is in regards to the amount of time a person has to repair or remove a vehicle from their property. Mr. Marks stated that after discussing the matter with Mr. Gehle and Mr. Maupin, it was discovered that the state code allows localities to lower the time frame to no less than 60 days, therefore, Mr. Marks stated that the time frame was changed from 6 months to 60 days.

Mayor Artz asked if there was anyone present that would like to speak for or against the proposed ordinance. Hearing no response, Mayor Artz closed the hearing at 7:45 p.m.

OLD BUSINESS

A. Discussion/Action Item: 2007 Comprehensive Plan Update

Council member Kersey commented on the quality of the document as well as commending those that worked on the plan.

Council member Clarke moved to approve the CY 2007 revisions to the Comprehensive Plan. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

B. Discussion/Action Item: SUP 2007-001 Boxley Building LLC

Mr. Maupin began by listing the revised conditions that Mr. Craig and his client feel are acceptable:

1. There be a minimum of 17 parking spaces.
2. All the façade improvements in phase I & phase II be completed by December 1, 2008.
3. Appropriate and adequate lighting must be installed along the alley way.
4. A rehabilitation plan and time line must be provided to the Town Manager within 60 days of the approval of the SUP.

Mr. Marks stated that he felt the proffer page should be pulled from the application and the revised conditions be added as listed by Mr. Maupin. Mr. Marks also wanted to be sure that the water and sewer easements for the alley remain intact, as a water and sewer main run through the property.

Council member Gehle moved to approve SUP 2007-001 without the proffer page, and with the 4 revised conditions. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

C. Discussion/Action Item: Proposed Inoperable Vehicle Ordinance

Council member Kersey commented that he felt 60 days was too restrictive.

Council members Clarke and Gehle felt that the time frame of 120 days is too lengthy.

Council member Kersey then made a motion to adopt the inoperable vehicle ordinance, changing the time frame from 60 days to 120 days. Council member Carter seconded the motion. The vote went as follows: Clarke, against; Gehle, against; Stone, for; Carter, for; Kersey, for. The vote was 3-2 in favor.

D. Fiscal Year 2006-2007 Audit results: Mr. Stephen Wunsh

Mr. Wunsh stood before Council and briefly reviewed the audit he prepared for the town. Mr. Wunsh highlighted key areas of interest, discussed possible options for the future, and also offered some financial advice.

Mr. Wunsh thanked all staff members who assisted him in obtaining information for the audit.

Mr. Wunsh then presented Council with a contract for the 2007-2008 fiscal year audit.

Council member Clarke moved to approve the FY 2006-2007 audit as prepared by Mr. Wunsh endorsing his corrections to the books. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

Council member Kersey moved to approve the contract presented by Mr. Wunsh for the FY 2007-2008 audit. Council member Stone seconded the motion. The vote went as follows: 5-0 in favor.

NEW BUSINESS

A. Adoption of 2008 Calendar of Holidays and Meetings.

Mr. Marks reported that the calendar will essentially stay the same except for a request to have Council approve December 26, 2008 as a holiday, and in exchange, the town office would be open a full day versus a half day on December 31, 2008. Mr. Marks noted that

Christmas Eve and Christmas day fall on a Wednesday and Thursday in 2008, and that he felt employees would feel rushed to return to work on Friday. Mr. Marks stated that staff would forgo a half day on the 31st of December, and work all day, to have the 26th of December off.

Council member Carter commented that he felt since business would be very slow at that time, he would recommend that the 26th be granted as a holiday and that the 31st remain a half day.

Council member Carter then made a motion granting December 26, 2008 as a holiday adding that December 31, 2008 remain a half day of work. 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 had nothing further to add to his report.

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

No report.

REPORTS FROM STAFF

Counsel

No report.

Clerk

No report.

Treasurer

Mrs. Pinter informed Council that a CD would be coming due on December 28, 2007 and that she and Mr. Marks would like Council's authorization to use their discretion in obtaining the best rate possible for the town as the local banks will not commit to a rate at this time.

Council member Carter made a motion authorizing Mrs. Pinter and Mr. Marks to use their discretion in obtaining the best possible rate for the town at one of the local banks. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Manager

Mr. Marks noted a VML/VACO flyer in the packet, and also informed Council that it has been one year since their last retreat, and if they were interested in holding another retreat, they could discuss it at the January meeting.

CLOSED SESSION

Council Member Stone made the motion to go into Closed Session to discuss 2.2-3711A1 of the Code of Virginia – Discussion of a

Personnel Matter. Council Member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

Council went into closed session at 8:36 p.m.

REGULAR SESSION

Council Member Kersey made the motion to go back in to Regular Session. Council Member Stone seconded the motion. The vote went as follows: 5-0 in favor.

Council returned to regular session at 9:15 p.m.

CERTIFICATION OF CLOSED SESSION

Council Member Clarke made the motion to certify the closed session. Council Member Carter seconded the motion. The vote went as follows: 5-0 in favor.

COMMUNICATIONS

Council member Clarke made a motion to raise the Town Manager's salary to \$62,000 effective January 1, 2008. Council member Kersey seconded the motion. The vote went as follows: 5-0 in favor.

ADJOURNMENT

Council Member Clarke moved to adjourn the December 18, 2007 meeting at 9:16 p.m.

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: Gehle, Kersey, Clarke, Stone, Carter.

NAYES: None.

ABSENT DURING VOTE: None.

ABSENT DURING MEETING: None.