

**Town of Louisa  
Monthly Meeting  
November 17, 2009**

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

**Also Attending:** David DesRoches, the Central Virginian; Steve Wunsh, of Wunsh & Wunsh Accounting; Mike Seaton, Jack Manzari, and Elaine Taylor, representatives of the Louisa County Historical Society; Marianne Jarvis, of Keystone Builders; Melissa Pelloni, representative of New Life Community Church

**Absent:** Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager

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

## **PUBLIC HEARING**

***SUP 2009-001 Special Use Permit [SUP 2009-01] in which the New Life Community Church requests a permit to operate a preschool on Tax Map Parcel 41-57, the physical location of this property is 509 E. Main Street, Louisa, VA 23093.***

Mr. Marks reported that the SUP was advertised in the newspaper for two consecutive weeks as required. Mr. Marks also reported that all the adjoining land owners were notified of the request for the SUP, and added that he had not received any public comments to date.

Mayor Artz opened the public hearing at 7:07 asking if there was anyone present that would like to speak for or against the SUP for New Life Community Church. Mr. Marks introduced Melissa Pelloni, a representative of New Life Community Church. Ms. Pelloni stated that the church would like to open a preschool that would allow a maximum of 54 students per year. The preschool would hold classes Monday through Friday, 9:00 a.m. to 12:00 noon. Ms. Pelloni reported that the classes would be held in the existing church which would not cause any major alterations or additions to the church. Ms. Pelloni stated that a new playground will be installed for the students and the play area will be fenced in as required. Ms. Pelloni added that they are hoping to open the preschool in the Fall of 2010.

Mayor Artz then closed the public hearing at 7:10 p.m.

***Proposed Change to Chapter 118: Peddling and Soliciting of the Louisa Town code in which the Louisa Town Council is considering a change to Section 118-1 of the Peddling and Solicitation Ordinance definitions.***

Mr. Marks updated Council stating that this was an item that was carried over from last month's meeting where Council decided to revise the ordinance in regards to Peddling and Soliciting. Mr. Marks stated that the changes simply define peddlers and solicitors and describes what is and is not allowable in the town.

Mayor Artz opened the public hearing at 7:12 p.m. asking if there was anyone present that would like to speak for or against the proposed change. Mr. Marks stated the proposed change was advertised in the newspaper for two consecutive weeks as required. Hearing no additional response, Mayor Artz closed the public hearing.

***Issuance of taxable general obligation sewer revenue bond indebtedness of the Town in a principal amount up to \$3,315,000. The proceeds of the Bonds to pay the costs to (i) design, acquire, construct, and equip wastewater treatment plant improvements and facilities owned by and operated for the benefit of the Town and Louisa County, Virginia, (ii) refund and refinance the outstanding balance of that certain Town of Louisa General Obligation Refunding Bond, Series 2002, issued on December 16, 2002, to Patriot bank, in the original principal amount of \$490,452, and (iii) pay the costs of issuance of the Bonds.***

Mr. Marks reported that this was the final piece that needs to be adopted before going to closing with Rural Development. Mr. Marks stated that public comment is required before the town can move forward.

Mayor Artz opened the public hearing at 7:14 p.m. asking if there was anyone present that would like to speak for or against the bonds. Hearing no response, Mayor Artz closed the public hearing at 7:15 p.m.

## **OLD BUSINESS**

### **1) Comment and Action on Special Use Permit**

Mr. Marks began by reporting that the Planning Commission held a public hearing last month regarding the SUP and received no comments from the public. Mr. Marks stated that the Planning Commission discussed the matter and is recommending approval of the SUP with two conditions: 1) There must be a fence around the preschool playground, and 2) The SUP only applies to New Life Community Church – so if the church changes hands or the property is sold, another SUP would have to be issued for the preschool. Mr. Marks also added that if the preschool begins to operate beyond the specified hours given on the SUP application, then they would need to apply for another SUP. Mr. Marks reported that he received written notification from Mark Wood, of VDOT, stating that VDOT is going to require an entrance analysis for the roadway entrance off of Main Street onto the property. Mr. Marks stated that due to the requirement, he recommends tabling the SUP until after the analysis has been conducted because the town simply cannot move forward until it has been completed.

Mayor Artz and Council concluded that the SUP would be tabled until they receive the results of the analysis.

Council member Kersey asked Ms. Pelloni how the analysis and Council's choice to table the issue would affect the progress of opening the preschool. Ms. Pelloni stated that while they were disappointed, they would continue to move forward with their plans.

## **2) Comment and Action of Proposed changes to Section 118 of the Louisa Town Code**

Council member Kersey questioned if the proposed changes to Section 118 of the Town Code could be tabled until next month since the final copy was received at the start of the meeting. Mayor Artz stated that the matter would be tabled and revisited at the December Council meeting.

### **3) Comment and Action on the Issuance of Bonds for the Regional Waste water Treatment Plant Expansion**

Mr. Marks stated that he is hoping that the loan, at 2.5% for 40 years, will be closed by December 31<sup>st</sup>. Mr. Marks stated that it is unknown what the rates will be after January 1, 2010.

Council member Kersey made the motion to proceed with the issuance of the bonds. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

## **NEW BUSINESS**

### **1) Louisa Heritage Village – Louisa Historical Society**

Mr. Jack Manzari and Mr. Mike Seaton, of the Louisa Historical Society, presented a proposal dubbed the “Louisa Heritage Village” to Council. The two men discussed the historical project at length explaining how the village would be composed of relocated or recreated historical buildings from around the county; would feature re-enactor programs; and would be designed to emphasize Louisa’s agricultural heritage.

After some discussion, Council member Carter made the motion approving the formation of a committee comprised of Mr. Marks, Mr. Dulaney, and the Historical Society to meet and discuss the proposal further. Council member Clarke seconded the motion. The vote went as follows: Dulaney, abstain; Kersey, for; Clarke, for; Gehle, for; Carter, for.

### **2) FY 2008-2009 Audit Presentation – Mr. Steve Wunsh**

Mr. Steve Wunsh presented Council with the FY2008-2009 audit. Mr. Wunsh reviewed the audit with Council highlighting areas of interest.

A copy of Mr. Wunsh’s audit can be found following the minutes.

Mr. Marks recommended that, since Council just received the audit before the meeting, they could take some time to review it and vote on it at the next meeting. Mayor Artz and Council were in agreement with Mr. Marks' recommendation.

Council member Kersey then made the motion to approve Mr. Wunsh's contract for next year. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

### **3) Proposed Office Space sharing with the Louisa Arts Center Executive Director**

Mr. Marks reported that the Louisa Arts Center recently hired an Executive Director, and stated that they are looking for an office space for him as the space designated for that position is basically inaccessible to the public due to the stairs and fire doors. Mr. Marks suggested loaning the space where the old receptionist window is located as it would allow better visibility and accessibility. Mr. Marks stated that he had drawn up "conditions of use" for the space for Council to review and approve.

Council member Clarke made the motion approving the Louisa Arts Center's use of the designated loaner space. Council member Gehle seconded the motion. The vote went as follows: 5-0 in favor.

### **STANDING COMMITTEE REPORTS**

#### Police Department:

(Please refer to the Police Department report.)

#### Water & Sewer Department:

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

#### Litter Committee:

No report.

Streets & Sidewalks:

Mr. Marks added a few extra items to Mr. Humphrey's report in his absence:

- Mr. Marks stated that there would be exploratory boring into the pavement on Main Street in the downtown area during the late night hours. There will be police present to deal with traffic flow, etc.
- A notice was received today informing us that we would not be awarded the grant that the town applied for in regards to the Water Works Improvements and Disinfection Byproducts study. A suggestion was made in the notice for the town to pursue a loan.
- The Water Authority voted to install a new filter at the water plant to help control the TTHM HAA5 levels.

Cemetery:

No report.

Personnel Committee:

No report.

**REPORTS FROM STAFF**

Counsel

No report.

Clerk

No report.

Treasurer

No report.

Manager

Mr. Marks reported the following:

- On Monday, November 23<sup>rd</sup> at 2:45 there is a dedication for the opening of the Louisa Tourist Center in the Louisa Auditorium at Town Hall.
- Mr. Marks will be out of town beginning November 23 through November 28, 2009.
- Regional WWTP Expansion Project – the signed contracts are finally going to Rural Development tomorrow.
- DAR sent a thank you letter.
- Parks and Recreation is preparing for the Christmas Parade on Saturday, December 5, 2009 at 3:00 p.m.
- A grant in the amount of \$896 was received for Litter Prevention and Recycling Program activities conducted within the town.
- Due to a town resident having an Animal Friendly license plate, DMV is informing us that the town will be receiving \$15 which we must use to support a facility that has a pet sterilization program. Mr. Marks stated that we received the same amount of funds last year and we donated the money to SNAP. Mr. Marks recommends doing the same this year.

Council member Clarke made the motion to accept the funds from DMV and donate the money to SNAP. Council member Dulaney seconded the motion. The vote went as follows: 5-0 in favor.

- Mr. Marks stated that Council needs to adopt the TEA 21 Grant Resolution regarding Lyde Ave. in order to move forward.

Council member Kersey made the motion to adopt the TEA 21 Grant Resolution. Council member Carter seconded the motion. The vote went as follows: 5-0 in favor.

- There is a letter in the packet from Denico Development regarding PUDs with a request for a zoning amendment. Mr. Marks recommended that the letter be sent to the Planning Commission for their review.

Council member Gehle made the motion to forward the letter to the Planning Commission for their review. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

### **CLOSED SESSION**

Council member Dulaney made the motion to go into Closed Session to discuss 2 Personnel Matters under section 2.2-3711 A1. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Council went into closed session at 8:20 p.m.

### **RETURN TO REGULAR SESSION**

Council member Carter made the motion to go back in to Regular Session. Council member Clarke seconded the motion. The vote went as follows: 5-0 in favor.

Council returned to regular session at 8:40 p.m.

### **CERTIFICATION OF CLOSED SESSION**

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

### **COMMUNICATIONS**

None.

### **ADJOURNMENT**

Council member Dulaney made the motion to adjourn the November 17, 2009 Louisa Town Council meeting at 8:45 p.m.

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Mayor

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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, Carter, Clarke, Dulaney, Kersey

**NAYES:** None.

**ABSENT DURING VOTE:** None.

**ABSENT DURING MEETING:** None.