

**Town of Louisa
Monthly Meeting
November 18, 2008**

Present: James S. Artz, Mayor; Vice-Mayor Mary Jane Clarke; Matthew L. Kersey; Warren D. Gehle; H. I. Dulaney, Council Members; Ronald M. Maupin, Attorney; Brian W. Marks, Town Manager; Donna L. Pinter, Treasurer; Jessica M. Ellis, Clerk; M. Brad Humphrey, Project Manager

Also Attending: Officer Patrick Kinlaw, Town of Louisa Police Department; Ashley Morici, staff of The Central Virginian

Absent: A. Daniel Carter, Council member

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

Mayor Artz called the meeting to order at 7:00 p.m.

Council member Kersey gave the invocation.

BUSINESS FROM THE FLOOR

None.

CONSENT AGENDA

Council member Gehle made a motion to approve the consent agenda as presented. Council member Kersey seconded the motion. The vote went as follows: 4-0 in favor.

PUBLIC HEARING

A) SUP-2008-02: An application submitted by Mr. Andrew Kenny representing Lake Anna 522, LLC to operate an automobile sales yard at 216 E. Main Street, Louisa, VA (corner of E. Main Street and the 208 Connector) TMS 40A2(1)79.

Mr. Marks updated Council informing them of Mr. Kenny's intended use of the property per the application submitted by Mr. Kenny.

Mayor Artz then asked Mr. Kenny if he would like to speak to Council. Mr. Kenny took a moment to discuss the planned use of the property, and fielded questions from Council.

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 special use permit. Hearing no response, Mayor Artz closed the public hearing at 7:11 p.m.

B) RZ-2008-03: An application submitted by Mr. Jeremy Camp representing the Louisa County Board of Supervisors to rezone Tax Map Parcels 40A2 1 67A and 40A2 1 67D, 105 McDonald Street from Residential General to Light Commercial.

Mr. Marks updated Council informing them of the Louisa County Board of Supervisors intended use of the property per the application submitted by Mr. Jeremy Camp on behalf of the BOS.

Mr. Marks reported that the town received one response to the advertisement and certified letters that were sent out to adjoining landowners in regards to RZ-2008-03. Mr. Marks stated that the response was in the written form of a letter, and was sent by P3 Ventures who is in opposition of the rezoning. Mr. Marks stated that P3 Ventures suggests that the BOS put curb, gutter, and sidewalk in before the certificate of occupancy is issued versus installing them up to a year after the certificate of occupancy has been issued.

Mayor Artz then asked Mr. Camp if he would like to speak regarding the rezoning. Mr. Camp took the opportunity to explain the intended use of the property, hand out a list of proffers from the BOS, and field questions from Council.

Mayor Artz opened the public hearing at 7:23 p.m. asking if there was anyone present that would like to speak for or against the rezoning. Hearing no response, Mayor Artz closed the public hearing at 7:24 p.m.

C) A proposed amendment to Chapter 165-44 of the Louisa Town Code.

Mayor Artz opened the public hearing at 7:27 p.m. asking if there was anyone present that would like to speak for or against the proposed amendment. Hearing no response, Mayor Artz closed the public hearing at 7:28 p.m.

OLD BUSINESS

Action/Discussion: SUP 2008-02

Mr. Marks noted to Council that he had included a staff recommendation regarding the SUP, and the minutes from the Planning Commission meeting in each Council member's packet for their review.

After a brief discussion, Council member Clarke made a motion to approve the SUP with the seven recommended requirements suggested by the Planning Commission. Council member Gehle seconded the motion.

Council member Kersey questioned whether everyone was in agreement with requirement number six, which states that only new cars are to be displayed on the lot.

Council member Clarke stated that she did not have a problem with used cars being on the lot. Mr. Maupin then asked if Council

members Clarke and Gehle if they would “so amend their motion” to include new and used cars. Both members agreed to amend their motion.

Council member Kersey then spoke again stating that there was not a unanimous decision made by the Planning Commission regarding the type of vehicles that should be parked on the lot. Mr. Kersey stated that he would personally like to see number six remain as originally proposed, meaning only new vehicles would be stored on the lot. Mr. Kersey added that he felt that there were inconsistencies in the presentation at the Planning Commission meeting, and also in the application as noted by Mr. Gehle this evening, which resulted in his opposition to include used cars.

After a short discussion, Mrs. Clarke stated that she felt she did not want the terms to be open to interpretation, and then took the following action:

Council member Clarke then withdrew her motion to include used cars and amended it to state that she approved the SUP with the seven original recommended requirements made by the Planning Commission. Council member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

Action/Discussion: RZ 2008-03

Mr. Marks stated that a staff recommendation and the Planning Commission meeting minutes were in Council’s packet for their review.

Council member Clarke stated that she felt that Council should treat this rezoning matter like all others in the past.

Mr. Maupin stated that Council can approve the rezoning without accepting the proffers.

Council member Kersey made a motion to approve the rezoning application without the proffers from the BOS. Council member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

Action/Discussion: Proposed amendment to Chapter 165-44 of the Louisa Town Code

Council member Clarke made a motion to approve the proposed amendment to Chapter 165-44 of the Town Code. Council member Dulaney seconded the motion. The vote went as follows: 4-0 in favor.

NEW BUSINESS

Action/Discussion: Parade Request, Jane Shelhorse, Director, LCPR

Mr. Marks reported that Ms. Shelhorse was supposed to be in attendance to speak to Council about the parade, but is not here this evening. Mr. Marks stated that Ms. Shelhorse submitted a written request on behalf of the Louisa County Parade Committee asking to have West Street closed from 1:00 p.m. to 3:00 p.m. in preparation of the start of the parade.

After a lengthy discussion, Council members and staff concluded their conversation by saying that they felt the street should not be closed due the fact that residents would not have the ability to leave their homes by vehicle, or access their home if they were already out. Council members and staff also stated that they felt staging areas (such as the St. James parking lot and Thomasson Funeral Home parking lot) should be designated for entries involving children to keep them safe and off the street until the start of the parade. Council added that parade vehicles must not extend past Loving Street off of Ellisville Drive, and that additional parade marshals are needed to ensure safety, and to assist parade vehicles as they prepare for the start of the parade.

Council member Dulaney made a motion to approve the parade permit subject to the following conditions: designated staging areas

for parade entries involving children; no parade vehicles beyond Loving Street off of Ellisville Drive; and additional parade marshals to ensure safety and to assist parade vehicles, but to deny the closure of West Street as requested. Council member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

Report: FY 2007-2008 Audit, Steve Wunsh

Mr. Steve Wunsh delivered the FY 2007-2008 audit. Mr. Wunsh briefly reviewed the audit and highlighted areas of interest. Mr. Wunsh thanked the staff members who assisted him in gathering all the necessary information to conduct the audit. Mr. Wunsh stated that if Council had any questions he would be happy to entertain them, or he would be happy to allow Council to review and digest the audit and he would return at the next meeting to answer any questions. Hearing no response, Mr. Wunsh stated that he had prepared a proposal for the FY 2008-2009 audit for Council to consider.

Council member Kersey made a motion to accept the FY 2007-2008 audit as presented by Mr. Wunsh. Council member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

Council member Kersey made a motion to accept the FY 2008-2009 audit proposal submitted by Mr. Wunsh. Council member Gehle seconded the motion. The vote went as follows: 4-0 in favor.

Discussion: Parking Meter Hours

Mr. Marks informed Council that due to a recent letter of complaint, and the fact that several citizens have come in to Town Hall to personally complain about parking meters, the Mayor felt it was time to bring the matter to light for Council to consider and discuss and asked Mr. Marks to add the item to the agenda.

Mr. Marks stated that the Streets and Sidewalks committee will soon be discussing this matter during the planning of streetscapes as the Downtown Improvements project moves forward.

After a lengthy discussion, Council decided to have the Town Manager and the Streets and Sidewalks Committee discuss the matter further while planning the streetscapes for the Down Town Improvements Project.

Action/Discussion: Renewal of VDOT Bond Resolution

Mr. Marks reported that every ten years or so the Town of Louisa renews the VDOT bond resolution to guarantee that any damage that is caused to the VDOT right-of-way by the Town of Louisa due to utility projects or problems will be repaired by the Town of Louisa.

Council member Kersey made the motion to adopt the renewal of the Virginia Department of Transportation Bond Resolution. Council member Dulaney seconded the motion. The vote went as follows: 4-0 in favor.

Resolution to Provide Security for Virginia Department of Transportation Land Use Permits issued to the Town of Louisa

WHEREAS, it becomes necessary from time to time for the Town of Louisa to obtain permits from the Virginia Department of Transportation to install, construct, maintain, and operate certain public works and public utilities projects along, across, over, and upon highway systems of the Commonwealth of Virginia; and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to the Town of Louisa by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Town Council this 18th day of November, 2008:

Section 1: That per the provisions of Section 1.064 of the Land Use Permit Manual of the Virginia Department of Transportation, the Town of Louisa does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit, or permits that have been, or will be, granted to the Town of Louisa and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and Department's

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agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, Department or the commonwealth in the event of suit.

Section 2: That the Town Mayor, or his designee, be, and hereby is, authorized to execute on behalf of the Town of Louisa all Land Use Permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be a continuing resolution and shall not be revoked unless, and until, sixty (60) days written notice of any proposed revocation by submitted to the Virginia Department of Transportation.

Section 4: That the Town of Louisa shall, if requested by the Virginia Department of Transportation, furnish or shall require its contractors to furnish to the Virginia Department of Transportation a performance bond, guarantee fee or irrevocable letter of credit in a minimum amount of ten thousand dollars (\$10,000) to cover the performance of the permitted work.

BE IT STILL FURTHER RESOLVED that the Town Mayor be, and hereby is, authorized and directed to procure the insurance required by Section 1 above.

Adopted by the Louisa Town Council on November 18, 2008, by unanimous vote.

Town of Louisa

By: _____
James S. Artz, Mayor

ATTEST:

Jessica M. Ellis, Clerk

STANDING COMMITTEE REPORTS

Police Department:

(Please refer to the Police Department report.)

Officer Kinlaw stood in for Chief Batten and stated that he had nothing further to add to the Police Department report, but took a moment to highlight a few items.

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.

In addition to his report, Mr. Humphrey also informed Council that Blakemore Construction, of Richmond, VA, is the apparent low bidder for Phase I of the Downtown Improvements Project with a bid of \$272,857. WW Associates has reviewed the bid packet and determined that it is valid and in compliance with the regulations set forth in the invitation for bid and also with VDOT regulations that govern the Transportation Enhancement projects. Mr. Humphrey stated that in conjunction with WW Associates, he recommended to VDOT that the construction contract be awarded to Blakemore Construction. Mr. Humphrey stated that they are currently waiting for approval from the VDOT Commissioner to award the contract; therefore, he wanted to take the opportunity to get approval from Council this evening to award the contract to Blakemore Construction, pending the Commissioner's approval, so he would not have to come back to Council at a later date.

Council member Gehle made the motion to give Mr. Humphrey authorization to award Blakemore Construction the contract at the bid price of \$272,857.82, pending the approval of the VDOT Commissioner. Council member Clarke seconded the motion. The vote went as follows: 4-0 in favor.

Litter Committee:

No report.

Streets & Sidewalks:

No report.

Cemetery:

Mr. Marks reported that he included memos and minutes from meetings with the Cemetery Committee in the packet to keep Council abreast of what is happening with the Columbarium project.

REPORTS FROM STAFF

Counsel

No report.

Clerk

No report.

Treasurer

No Report.

Manager

Mr. Marks reported the following:

- The National League of Cities recognized the Town of Louisa for the work done on the Town Hall project, and invited the town to enter the project in a competition next year.
- Mayor Artz submitted Mr. Tommy Hadder last year to the Seventh District Congressional Veteran Commendation Presentation, but was not selected. However, this year he was selected, and will be awarded on Tuesday, November 25, 2008 for his meritorious service to the United States by Mr. Eric Cantor.
- Mr. Marks stated that the county now has an emergency generator for the water system.
- Next month there will be a public hearing for the funding from Rural Development for the LDDC.

COMMUNICATIONS

Mayor Artz reported that Mrs. Pam Stone's step-father passed away.

Mr. Humphrey reported that the Road Trip to History project is almost complete. A gala and premier will be hosted on Friday, January 9, 2008 with additional viewings on January 10th and 11th. Mr. Humphrey informed Council that we have the right to produce and sell DVDs of the project. He stated that between himself, Mr. Marks, and the Mayor, they came up with a cost of \$12 per DVD. Proceeds from the DVD sales would go back to the Economic Development fund.

Council member Clarke made the motion to authorize the expenditure from the Economic Development line item for the purchase of 225 DVD's for resale; for advertising for the gala and premier; and catering for the event. Council member Dulaney seconded the motion. The vote went as follows: 4-0 in favor.

ADJOURNMENT

Council Member Dulaney moved to adjourn the November 18, 2008 meeting at 7:30 p.m.

Mayor

Clerk